

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.22220 of 2016
and CrI.M.P.Nos.3264, 10321 of 2016

Shafialam

...Petitioner/Respondent

Jesima Banu

Vs.

...Respondent/Petitioner

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order made in C.M.P.No.2841 of 2016 in D.V.A.No.1 of 2016 dated 19.09.2016 on the file of the Judicial Magistrate, Dharapuram, Erode District.

For Petitioner : Mr.C.Veerarahavan

For Respondent : Mr.G.R.Deepak

O R D E R

This Criminal Original Petition has been filed to set aside the order made in C.M.P.No.2841 of 2016 in D.V.A.No.1 of 2016 dated 19.09.2016 on the file of the Judicial Magistrate, Dharapuram, Erode District.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3.The case of the prosecution is that the petitioner was given talaq to the respondent and the petitioner's children as well as the respondent are in the custody of the petitioner. The petitioner has already got married another women and if the respondent is allowed to reside in the petitioner's residence it will lead to multiplicity proceedings. Hence, the petitioner filed this petition.

4.Considering the above facts and circumstances, the C.M.P.No.2841 of 2016 in D.V.A.No.1 of 2016 is set aside, the trial Court is directed to conduct an enquiry and after giving opportunity of hearing to the petitioner and pass orders in accordance with law. Considering the complaint of the year is 2016 the trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

5. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected criminal miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

rna

To

1. The Judicial Magistrate,
Dharapuram, Erode.

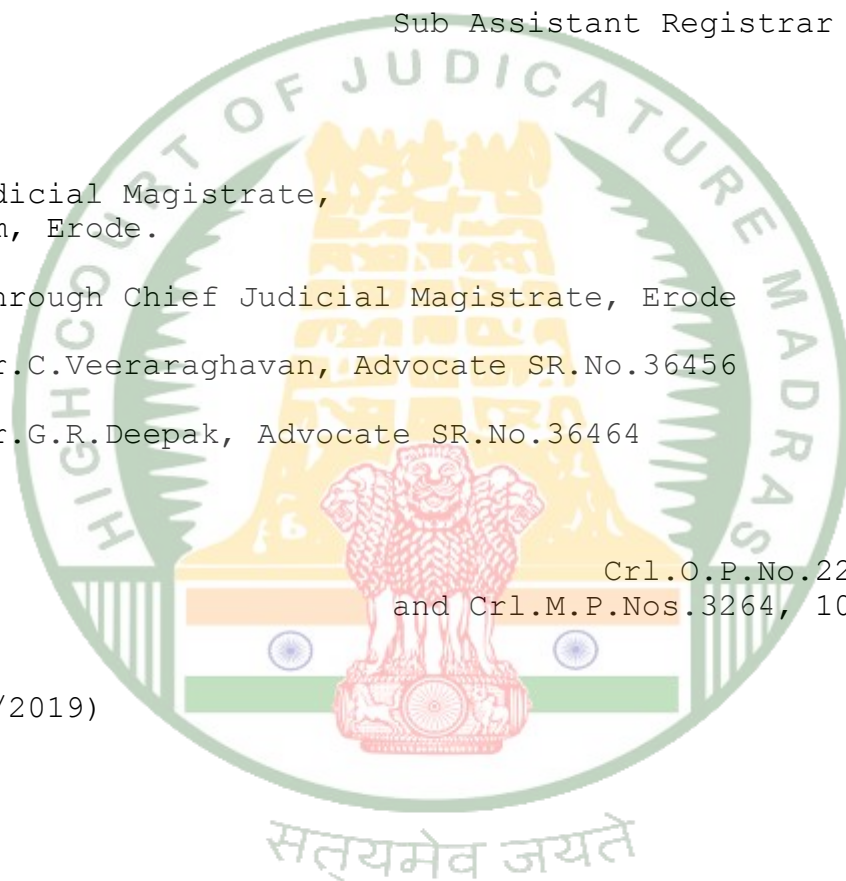
2. -do- Through Chief Judicial Magistrate, Erode

+1cc to Mr.C.Veeraraghavan, Advocate SR.No.36456

+1cc to Mr.G.R.Deepak, Advocate SR.No.36464

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and Crl.M.P.Nos.3264, 10321 of 2016

VG II(CO)
GMY (22/05/2019)



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