

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.28223 of 2017
and Crl.M.P.No.16032 of 2017

M.Challaiah Gnanapaul Mercylin

... Petitioner

Vs.

Evelyn Martha Mercylin

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records in D.V.C.No.304 of 2016 on the file of the learned Additional Mahila Judge at Egmore- Allikulam, quash the same.

For Petitioner : Mr.S.Asir Mathuram

For Respondent : M/S.Auxilia Peter

ORDER

This petition has been filed to quash the D.V.C.No.304 of 2016 on the file of the learned Additional Mahila Judge at Egmore- Allikulam.

2.The learned counsel for the petitioner would submit that he is the husband of the respondent and the marriage between them was solemnized on 29.09.1976. Thereafter, due to matrimonial disputes the respondent and her husband were living separately. As the respondent voluntarily left the matrimonial home, Under these circumstances, the respondent herein filed a petition under Domestic Violence Act in D.V.C. No.304 of 2016 on the file of the learned Additional Mahila Judge at Egmore- Allikulam and implicated the petitioner and sought action as against him under Domestic Violence Act. The said D.V.C.No.304 of 2016 is pending for trial. Accordingly, prays for appropriate relief.

3.Heard the learned counsel for the petitioner and the learend counsel for the respondent.

4. There are specific allegations against the petitioner. The grounds raised by the petitioner cannot be considered by this Court and it has to be established during the trial. Therefore, this Court is not inclined to quash the proceedings. Accordingly this petition is dismissed. However, the proceedings in D.V.C.No. No.304 of 2016 is pending from the year 2016, it would be appropriate to direct the trial Court to complete the trial within a period of three months from the date of receipt of a copy of this order.

5. In the result, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsn/kas

To

The Additional Mahila Judge,
Egmore- Allikulam.

+1cc to Mr.S.Asirmathuram, Advocate Sr.23342

Cr1.O.P.No.28223 of 2017
& Cr1.M.P.No.16032 of 2017
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