

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2019

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.O.P.No.33141 of 2019

Archana J

...Petitioner/Aggrieved Person

-Vs-

Ram R V

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the Learned Additional Mahila Court, Egmore to dispose of the applications and petitions filed by the petitioner herein in DVC No.125 of 2019 expeditiously in compliance with the provisions of the Protection of Women from Domestic Violence Act, 2005.

For Petitioner : Mr.B.Vijay

For respondent : Mr.C.Raghavan

Government Advocate(Criminal Side)

ORDER

This Criminal Original Petition has been filed by the aggrieved person/wife under section 482 of Crpc to direct the Additional Mahila Court, [Magisterial level] Egmore to dispose of the applications and petitions filed by the petitioner herein in DVC No.125 of 2019 expeditiously in compliance with the provisions of the Protection of Women from Domestic Violence Act, 2005.

2. The learned counsel for the petitioner has submitted that the petitioner herein has filed the petition under section 12 of the Protection of Women from Domestic Violence Act, 2005 [hereinafter referred to as DV Act] seeking certain reliefs and also filed Interlocutory applications seeking interim reliefs. He further submitted that the respondent/husband after receipt of the notice, not appeared before the trial court on 17.10.2019 and on the contrary, he engaged a counsel and filed a petition under section 317 Crpc. Hence, the matter was adjourned to 18.10.2019. Thereafter the case was adjourned regularly and now posted to 19.12.2019. But, so far the learned trial judge has not passed any order for disposing of the aforesaid petitions. Hence, he requested to direct the trial court to dispose of the

aforesaid petitions expeditiously as contemplated under the aforesaid Act. In support of his contentions he also filed the diary extract.

3. A perusal of the diary extract shows that the petition filed by the petitioner under the Domestic Violence Act was taken on file on 19.09.2019 and notice was ordered to the respondent and posted the matter on 10.10.2019 and on that date, the notice was not served on the respondent and hence, again the matter was adjourned to 17.10.2019 with a direction to issue a fresh notice. On 17.10.2019, the respondent has not appeared in person. But, he engaged a counsel and filed a petition under section 317 Crpc to condone his absence and the same was allowed and again the matter was adjourned to 18.10.2019 and from that date onwards, the respondent has not appeared before the trial court and the learned Magistrate has also not passed any order in the said petitions.

4. In view of the above, the learned Additional Mahila Court, [Magisterial level] Egmore is directed to expedite the enquiry and dispose of the said petitions in DVC No.125 of 2019 and other connected applications within three months from the date of receipt of copy of this order. With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Additional Mahila Metropolitan Magistrate,
Additional Mahila Court, [Magisterial level] Egmore.

2. The Public Prosecutor,
High Court, Madras. सत्यमेव जयते

+3cc to M/s.A.R.Sindhu, Advocate Sr.No.105475

AKM/28.01.2020/2P-6C /

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