



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2019

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2894 of 2015
and
M.P.(MD)No.1 & 2 of 2015
and
C.M.P.(MD)No.5784 of 2017

1. G.R.Vijayasukumaran
2. V.S.Lavanya

... Petitioners

Vs.

Rajakumari

... Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the complaint by the respondent in M.C.No.337 of 14 and quash the same pending on the file of the Additional Mahila Court (JM Level), Madurai.

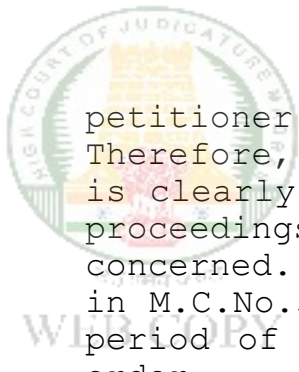
For Petitioners : Mr.R.Ramasamy
For Respondent : Mr.R.Suriya Narayanan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in M.C.No.337 of 14, on the file of the Additional Mahila Court (JM Level), Madurai.

2.It is a petition filed under the provisions of the Protection of Women from Domestic Violence Act, instituted by the respondent herein. It is seen that the first petitioner and the respondent got married to each other. But no children were born through the wedlock. It is further seen that the first petitioner had filed HMOP.No.466 of 2014, before the Family Court, Madurai and obtained a decree for dissolving his marriage with the respondent herein. It is an *ex-parte* decree. Steps taken by the respondent for setting aside the said *ex-parte* decree are still pending.

3.In the meanwhile, this maintenance case has been instituted by the respondent. I am of the view that the proceedings will have to be pursued only against the first petitioner herein. The second



petitioner is the second wife of the first petitioner herein. Therefore, continuing the proceedings against the second petitioner is clearly not warranted. In this view of the matter, the impugned proceedings are quashed as far as the second petitioner is concerned. The Court below is directed to conclude the proceedings in M.C.No.337 of 2017 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

4.Accordingly, this Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Additional Mahila Court
(Judicial Magistrate Level),
Madurai.

+1CC to Mr.R.RAMASAMY,Advocate (SR-88929[F]dated 24/09/2019)

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sjj
VB(14.10.2019) 2P 3C