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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

**Crl.O.P. (MD) No. 9641 of 2018**

**and**

**Crl.M.P. (MD) .Nos.4285 & 4286 of 2018**

S.Mohamed Sultan : Petitioner/Respondent

Versus

M.Sariba Begum : Respondent/Complainant  
Rep through her guardian  
M.Ajisha Begum

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records of the complaint in D.V.C.No.7 of 2016, before the learned Judicial Magistrate, Tenkasi and quash the same by allowing the Criminal Original Petition.

For Petitioner : Mr.D.Nallathambi  
For Respondent : Mr.N.Mohideeen Basha

**O R D E R**

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.7 of 2016, on the file of the learned Judicial Magistrate, Tenkasi.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is the father of the respondent and he has not committed any offence as alleged by the respondent. Only in order to harass the petitioner, the respondent filed a petition under the Domestic Violence Act, as against the petitioner in D.V.C.No.7 of 2016, before the learned Judicial Magistrate, Tenkasi. Hence, he prayed to quash the same.

3. It is seen that the present case is arising out of Domestic Violence Act and the petitioner is the father of the respondent. There are specific averments to attract the offences as against the petitioner. More over all the points raised by the petitioner have to be considered only during the trial. The petitioner is at liberty to raise all the points before the Court below during the trial. Therefore, this Court is not inclined to quash the proceedings in D.V.C.No.7 of 2016.



4. At this juncture, the learned Counsel appearing for the petitioner submitted that the presence of the petitioner before the Trial Court may be dispensed with and also prayed for a direction to the Court below for speedy trial.

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5. Accepting the said submission and considering the age of the petitioner, the personal appearance of the petitioner before the trial Court is dispensed with and he shall be represented by a counsel after filing appropriate application. The petitioner shall be present before the Court below at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment. However, the learned Judicial Magistrate, Tenkasi, is directed to complete the proceedings in D.V.C.No.7 of 2016, within a period of six months from the date of receipt of a copy of this order.

6. With the above directions, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

1.The Judicial Magistrate, Tenkasi.

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1CC TO MR.N.MOHIDEEN BASHA, Advocate Sr. No. 97889

Order made in  
**Cr1.O.P. (MD) No. 9641 of 2018**  
**13.11.2019**

MR (CO)

TR(29.11.2019) 2P 4C