



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD) No.10908 of 2018

and

Crl.M.P (MD) No.4877 of 2018

WEB COPY

- 1.Edwinpaul
- 2.Victoria
- 3.Dennis Wilson
- 4.Priscilla
- 5.Benny
- 6.Philomina

...Petitioners

Vs.

1. The Protection Officer
Domestic Violence Act
District Social Welfare Office
Collectorate, Tiruchirappalli-1

2. Rachael Swarna Bakkiam

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to quash the impugned order passed by the first respondent made in No.Ku.Va.No.118/2018/pa.a dated 15.06.2018.

For Petitioners : Mr.S.Alagarsamy

For Respondents : Mr.K.Suyambulinga Bharathi
No.1 Government Advocate(Crl.Side)

For Respondent No.2 :Mr.C.Shanmugasundaram

ORDER

This petition has been filed seeking direction to challenge the impugned summons issued by the first respondent dated 15.06.2019, thereby calling upon the petitioner to attend enquiry on 29.06.2018.

2. The learned counsel for the petitioners submitted that the first respondent has no jurisdiction to issue such summons since the second respondent never resided at Trichy within the jurisdiction of the first respondent. Only to drag them to Trichy the present complaint has been filed with false complaint. The first respondent without even considering the residence of the defacto complainant, mechanically issued summons. Further he submitted that marriage between the first petitioner and the second respondent took place on 12.04.1999. After 20 years, the present



complaint has been lodged that too without any jurisdiction.

3. It is seen that the second respondent resides within the jurisdiction of the first respondent and as such due to their family dispute, the between them the second respondent lodged a complaint and on the complaint the Social Welfare Officer namely the first respondent herein issued summons to the petitioners to appear for enquiry on 29.06.2018. Whatever points raised by the petitioners cannot be considered here. It is a mixed question of facts. Therefore the first respondent is having jurisdiction and only on enquiry it would be revealed.

4. Therefore the present petition is devoid of merits and hence it is dismissed. Consequently connected miscellaneous petition is also dismissed. Since the dispute is between the first petitioner and the second respondent only, the personal appearance of the petitioners 2 to 6 are dispensed with before the first respondent and the first petitioner is directed to appear before the first respondent for enquiry.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Protection Officer
Domestic Violence Act
District Social Welfare Office
Collectorate, Tiruchirappalli-1

+1 CC to M/s.S.ALAGARSAMY, Advocate (SR-99100[F] dated 18/11/2019)

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KK/SAR/03.12.2019/2P-3C/