



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P (MD)No.17935 of 2017

and

Crl.M.P (MD)No.11714 of 2017

T.Ramesh

.. Petitioner/Petitioner

Vs.

1.R.Malathi

2.R.Prithikavani

.. Respondents / Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the petition filed by the respondent in D.V.Case No.3 of 2016, on the file of the learned Judicial Magistrate No.II, Ramanathapuram, filed under Section 23(2) of Protection of Women from Domestic Violence Act, 2005, by the respondents and quash the same as illegal.

For Petitioner : Mr.T.Thirumurugan

For Respondents : No appearance

ORDER

This petition has been filed seeking to quash the proceedings initiated by the first respondent under the Domestic Violence Act.

2. Heard the learned counsel for the petitioner. The respondents have been served and their names are also printed in the causelist and there is no representation for the respondents.

3.It will be relevant to extract the order passed by this Court in Crl.R.C.(MD).No.729 of 2017, since the same will have a bearing in this case.

"7. Records perused. A perusal of the records reveals that the second respondent is doing third year Engineering in Sethu Institute of Technology and the third respondent is studying in the school. The fact that the petitioner is paying the College and School fees is not denied by the respondents and the petitioner and the respondents are living together in the same house under the same roof. The fact that the petitioner's sister is a mentally ill person is not denied by the respondents and that the documents for the same is filed along with the petition. The second respondent has already attained majority and she might have completed her Engineering by now. Whether the second respondent is working or not is not elicited in the petition.

<https://hcservices.ecourts.gov.in/hcservices> Considering the facts and circumstances of the



case, this Court deems it fit to modify the order passed by the trial Court and the lower Court is modified to that effect that the revision petitioner is directed to pay a monthly maintenance sum of Rs.2,000/- (Rupees Two Thousand only) for the first and second respondents and a sum of Rs.3,500/- (Rupees Three Thousand and Five Hundred only) for the third respondent totally Rs.7,500/- (Rupees Seven Thousand Five Hundred only) as maintenance amount. This Criminal Revision case is disposed of. Consequently, Crl.M.P. (MD).No.8461 of 2017 is closed."

4. From the above, it is clear that the petitioner and the first respondent are now living in the same house and the petitioner is also paying the total maintenance of a sum of Rs.7,500/- to the respondents. In view of this fact, no useful purpose will be served in independently prosecuting the Domestic Violence petition, since the relief sought for in the Domestic Violence petition has already been achieved by virtue of the order passed by this Court in Crl.R.C.(MD).No.729 of 2017. Accordingly, the proceedings in D.V.C.No.3 of 2016, on the file of the learned Judicial Magistrate No.II, Ramanathapuram, is hereby quashed.

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

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

PJL

To
The Judicial Magistrate No.II,
Ramanathapuram.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-93143[F] dated 21/10/2019)

Crl.O.P(MD)No.17935 of 2017

KK/SAR/18.11.2019/2P-3C/