



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.9467 of 2017

and

CrL.M.P(MD)No.6445 of 2017

Edwin Cletus

...Petitioners / 1st Respondent

Vs.

Shani

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the domestic violence complaint in DVOP No.21 of 2016, pending on the file of the Judicial Magistrate, Eraniel, Kanyakumari District and quash the same as against the petitioner.

For Petitioner : Mr.R.S.Sivaram

For Respondent : No Appearance

ORDER

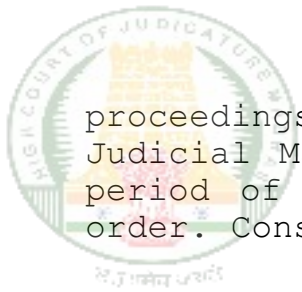
This Criminal Original Petition has been filed seeking to quash the proceedings in DVOP No.21 of 2016, pending on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District, as against the petitioner.

2.The petitioner is the husband of the respondent.

3. Heard the learned counsel for the Petitioner and perused the materials placed before this Court.

4. The various grounds raised by the learned counsel for the petitioner are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

5. This Criminal Original Petition is therefore dismissed, however, with a direction to the Court below to complete the
<https://hcservices.ecourts.gov.in/hcservices/>



proceedings in DVOP No.21 of 2016, pending on the file of the Judicial Magistrate Court, Eraniel, Kanyakumari District, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

1. The Judicial Magistrate, Eraniel, Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P(MD)No.9467 of 2017

17.10.2019

TR(06.11.2019) 2P 3C