

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.11.2020

PRONOUNCED ON : 11.11.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.13331 of 2017
and CRL.M.P.No.8631 of 2017

A.Alexander ..Petitioner
Vs.

A.Kalaiarasi ..Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in D.V.C.No.278 of 2016 on the file of the Additional Mahila Court, Egmore @ Allikulam, Chennai and quash the complaint and the proceedings of the same against the petitioner

For Petitioner : Ms.S.Karpagavarthini

For Respondent : Ms.D.Gowthami Reddy

ORDER

This matter is taken up for hearing via video conferencing.

2. For the sake of convenience, the parties will be referred to by their names.

3. Kalaiarasi got married to Alexander on 22.08.1993 and they have two children viz. Nancy and Denila. Alexander is working in Chennai Corporation and the family was living in T.P.Chatham area. It is alleged that Alexander developed illegal intimacy with his colleague and started harassing Kalaiarasi and the two children, to such an extent that Kalaiarasi initiated proceedings in D.V.C.No.278 of 2016 before the Mahila Metropolitan Magistrate, Allikulam, Chennai, claiming various reliefs under the Protection of Women from Domestic Violence Act, 2005, (for brevity "the DV Act") for quashing which, Alexander has filed the present petition under Section 482 Cr.P.C.

4. Ms.S.Karpagavarthini, learned counsel for Alexander

submitted that the allegations made by Kalaiarasi are all false and that, the proceedings under the DV Act has been initiated, even without the report of the Protection Officer.

5. Per contra, Ms.D.Gowthami Reddy, learned counsel for Kalaiarasi refuted the said contentions.

6. This Court gave its anxious consideration to the rival submissions.

7. In the opinion of this Court, the report of the Protection Officer is not sine qua non for initiating proceedings under the DV Act. In this case, Kalaiarasi has stated that, she lodged a complaint on 01.03.2016 to the Protection Officer who conducted an enquiry on 31.03.2016, in which, Alexander also appeared. That apart, it is seen that Kalaiarasi had fixed the marriage of her daughter Nancy during the pendency of these proceedings and Alexander was determined to spoil everything. Therefore, Kalaiarasi filed C.M.P.No.752 of 2017 in D.V.C.No.278 of 2016 praying for an order restraining Alexander from causing disturbance in the marriage function, which was granted by the trial Court on 10.04.2017. In a petition for quash, this Court cannot go into disputed facts. Since there are prima facie materials in the petition in D.V.C.No.278 of 2016 filed by Kalaiarasi, the same cannot be quashed.

In the result, this Criminal Original Petition is dismissed as being devoid of merits. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Additional Mahila
Metropolitan Magistrate,
Additional Mahila Court,
Egmore@Allikulam, Chennai.

+2cc to M/s.M.Manivannan, Advocate, S.R.No.36910
+1cc to Mr.R.Chandrasekar, Advocate, S.R.No.36886

CRL.O.P.No.13331 of 2017

SV(CO)
RV(09/12/2020)