



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2020

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**Crl.O.P. (MD)No.13049 of 2016**

**and**

**Crl.M.P. (MD)Nos.6127 and 6128 of 2016**

1.Joe Michael Kishore  
2.S.M.Felix Fernando  
3.Isabel Felix

... Petitioners/Respondents

-vs-

1.Annie Mary Sherin

2.Devadan joe Michael

... Respondents/ Complainant

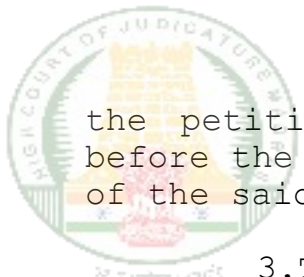
**PRAYER:** Petition filed under Section 482 of the Criminal Procedure Code to call for the records in connection with the C.C.No.304 of 2014 on the file of the Judicial Magistrate, Court No.II, Nagercoil and quash the complaint to the petitioners.

For Petitioners : Mr.N.S.Rama Krishnadass  
For Respondents : Ms.L.Victoria Gowri

### **O R D E R**

The respondents herein filed C.M.P. No.1013 of 2012 on the file of the learned Judicial Magistrate No.II, Nagercoil, under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (herein after referred to as the 'Act'). The learned Trial Magistrate by order dated 18.06.2014 granted certain reliefs in favour of the respondents herein. Alleging that the order passed by the learned Magistrate was not complied with, the respondents have instituted the impugned prosecution in C.C.No.304 of 2014 under Section 32 of the said Act before the Judicial Magistrate, Court No.II, Nagercoil. To quash the same, this Criminal Original Petition came to be filed.

2.During the pendency of this petition, the petitioners 2 and 3 passed away. The first petitioner herein is the husband of the first respondent herein. It is not in dispute that challenging the order dated 18.06.2014, passed by the learned Trial Magistrate,



the petitioners herein have filed Criminal Appeal No.42 of 2014 before the Sessions Court, Kanyakumari at Nagercoil under Section 29 of the said Act. The said appeal is pending as on date.

3.The appellate Court is directed to dispose of the CrI.A.No.42 of 2014 on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. If the appeal in CrI.A.No.42 of 2014 on the file of the Sessions Court, Kanyakumari at Nagercoil, is allowed, the impugned prosecution will naturally get terminated. If the appeal is dismissed, the impugned prosecution can resume.

4.It is stated that the impugned prosecution in C.C.No.304 of 2014 on the file of the Judicial Magistrate, Court No.II, Nagercoil was re-numbered as C.C.No.381 of 2018 and transferred to Mahila Court, Nagercoil.

5.With these observation, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pnn

To

1.The Mahila Court, Nagercoil.

2.The Judicial Magistrate No.II, Nagercoil.

+1 CC to M/s.N.S.RAMAKRISHNADASS, Advocate ( SR-7087[F]

+1 CC to M/s.L.VICTORIA GOWRI, Advocate ( SR-7099[F]

**CrI.O.P. (MD)No.13049 of 2016**

**and**

**CrI.M.P. (MD)Nos.6127 and 6128 of 2016**

**SMA/02/06/2020/2P/5c**

**18.02.2020**