



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.No.13823 of 2016

N.Chandradevi

...Petitioner

Vs.

1. A.Nambirajan

2. C.Anandhan

3. A.Hamsakumari

...Respondents

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the Presiding Officer, the Learned Xth Metropolitan Magistrate, Egmore, Chennai, to dispose of the case in C.C.No.1478 of 2016 expeditiously on day to day basis.

For Petitioner : No Appearance

ORDER

This Criminal Original Petition has been filed to direct the Presiding Officer, the Learned Xth Metropolitan Magistrate, Egmore, Chennai, to dispose of the case in C.C.No.1478 of 2016 within the time to be fixed by this Court.

2. The case of the petitioner is that the 1st respondent herein, namely, A.Nambirajan, is the husband of the petitioner and marriage between them was solemnized on 20.02.2013 at Kaligambal Kovil, Parrys, as per Hindu Rites and Customs. The petitioner started the marital life with joint family at 1st respondent's house and later arranged separate house at Dubai. The petitioner lived for 1 ½ years with the respondents 1 to 3 as a joint family and after which the 1st respondent went to Dubai for job purpose and the petitioner also lived with him in Dubai. Within a short span of time, the 1st respondent along with the respondents 2 and 3 started Cruelty, Dowry Harassment and Torturing the petitioner both physically and mentally and also abused her in unparliamentary words. At one point of time, the 1st respondent assaulted the petitioner and left her in the lurch without money. Thereafter, the petitioner returned to Chennai



after complaint being given before the Indian Consulate UAE and getting money from one of her neighbours namely Anu. The petitioner, after returned to Chennai, filed a complaint before the Police as well as Protection Officer. The complaint under the Protection of Women from Domestic Violence Act 2005 was filed before Protection Officer on 07.12.2015. The Protection Officer after conducting an enquiry filed a complaint before the Xth Metropolitan Magistrate Court, Egmore, Chennai. But however the said complaint was belatedly taken on file and numbered as C.C.No.1478 of 2016 and the same is pending for disposal.

3. It is the further case of the petitioner that after taking the complaint on the file of the Xth Metropolitan Magistrate Court, Egmore, Chennai, the 2nd and 3rd respondents alone appeared before the Court and the 1st respondent / husband did not appear. Hence the case has been simply adjourned to various dates namely, 29.01.2016, 23.02.2016, 07.03.2016, 18.03.2016, 05.04.2016, 20.04.2016, 04.05.2016, 13.05.2016, 18.05.2016, 03.06.2016, 15.06.2016 and finally it was posted on 29.06.2016. In the mean time, the 2nd and 3rd respondents filed an Original Petition in Crl.O.P.No.9275 of 2016 for the relief of quashing the proceedings in C.C.No.1478 of 2016 and further on 01.06.2016 in Crl.M.P.Nos.4792 and 4793 of 2016 in Crl.O.P.No.9275 of 2016, the 2nd and 3rd respondents obtained an order of dispense with their personal appearance in C.C.No.1478 of 2016. The 1st respondent filed divorce petition in O.P.No.2638 of 2015 before the III Additional Family Court, Chennai and the same was dismissed since the principal petitioner namely A.Nambirajan did not obey the conditional order passed in power agent petition. The complaint filed on 29.01.2016 is periodically adjourned to various dates and the case is simply pending for more than six months without any progress. Hence, the petitioner seeks for a direction to the Learned Xth Metropolitan Magistrate, Egmore, Chennai, to dispose of the case in C.C.No.1478 of 2016 within the time to be fixed by this Court.

4. Today i.e. 04.08.2021, when the matter is listed for hearing, there is no representation for the petitioner as well as the respondents and hence this Court could not get any details regarding the case in C.C.No.1478 of 2016 whether it is still pending on the file of the Learned Xth Metropolitan Magistrate, Egmore, Chennai. However, on perusal of the docket orders passed by the Learned Metropolitan Magistrate, Egmore, Chennai, it is seen that even though several notices have been served on the first respondent for the appearance before the Court, he has not appeared to the Court either in-person or through counsel.

5. This Court, on considering the inconvenience caused to the petitioner / wife due to non appearance of the first



respondent before the Lower Court, is inclined to direct the Court below to dispose of the case in C.C.No.1478 of 2016 within the time to be fixed by this Court, if it is not already disposed of by the Court.

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6. Accordingly, the Learned Xth Metropolitan Magistrate, Egmore, Chennai, is directed to expedite the trial and dispose of the case in C.C.No.1478 of 2016 within a period of six months from the date of receipt of a copy of this order, if it is not already disposed of by the Court.

7. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Xth Metropolitan Magistrate Court,
Egmore,
Chennai.

Copy to

The Chief Metropolitan Magistrate,
Egmore,
Chennai.

CRL.O.P.No.13823 of 2016

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NSK 13/09/2021