

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.369 of 2021

M. Gopinath ... Petitioner / Respondent 1

vs.

V.Rekha ... Respondent/ Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the docket order passed by the learned Judicial Magistrate No.1, Kancheepuram in C.A. No.237 of 2020 in D.V.C.No.11 of 2018 dated 16.12.2020 and direct the learned Judicial Magistrate No.1, Kancheepuram to furnish the certified copies stated in the impugned order.

For Petitioner : Mr. T.Naveen Chandar

ORDER

This petition has been filed challenging the docket order passed by the Court below refusing to furnish certain documents sought for by the petitioner by filing a copy application.

सत्यमेव जयते

2. The learned counsel for the petitioner submitted that the respondent has filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, (hereinafter referred to as "the Act"), before the Court below seeking for certain reliefs against the petitioner and his parents. The quash petition came to be filed before this Court in Crl. OP No. 31183 of 2019 and this petition was allowed partly by quashing the proceedings as against the parents of the petitioner. The petition was dismissed insofar as the petitioner is concerned.

3. The learned counsel for the petitioner further submitted that the Court below had passed an exparte order granting an interim maintenance to the respondent to the tune of Rs.20,000/- per month. According to the petitioner, he has been paying a sum of Rs.5,000/- per month to the respondent, pursuant to the interim orders passed by this Court in the earlier quash petition. The learned counsel submitted that this was not taken into consideration by the Court below and therefore, the petitioner wanted to challenge the order passed by the Court. For that purpose the petitioner was requesting for certain documents by filing a copy application. The copy application came to be rejected by the Court below on the ground that the documents sought for by the petitioner are all Court documents.

4. The learned counsel for the petitioner submitted that the petitioner is living abroad and he has already filed an application seeking for clarification/modification of the exparte order and that has not been entertained by the Court below. The learned counsel further submitted that the petitioner requires the documents in order to file an Appeal against the exparte interim maintenance order.

5. In the considered view of this Court, the petitioner has already had the advantage of completing one full round before this Court by way of filing a quash petition in Criminal OP No.31183 of 2019. If according to the petitioner, some clarification is required with regard to the exparte interim maintenance order, the petitioner can always approach the Court below by filing an application under Section 25 of the Act. The case has been pending from the year 2018 onwards and therefore, this Court deems it appropriate to issue certain directions in this petition.

6. In view of the above, this Criminal Original Petition is disposed of with the following directions:

a) It is left open to the petitioner to file an application under Section 25 of the Act, before the Court below seeking for clarification or alteration of the exparte order and the Court below shall deal with the application in accordance with law;

b) The Court below shall follow the guidelines issued by this Court in the orders passed in Criminal OP No.16411 of 2019 etc. dated 18.01.2021; and

c) The Court below shall dispose of D.V.C.No.11 of 2018 within a period of three months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Judicial Magistrate No.1,
Kancheepuram.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+lcc to Mr.T.Naveen Chandar, Advocate Sr.2172

Cr1. OP No.369 of 2021

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srg 25/01/2021



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