

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.18353 of 2015

and

M.P.No.1 of 2015

Saradha

... Petitioner

Vs.

Akilandeswari

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records of D.V.A.No.6 of 2015 on the file of the Judicial Magistrate No.1, Coimbatore and quash the same.

For petitioner : Mr.R.Gokulakrishnan
For Respondent : No appearance

ORDER

This petition has been filed to quash the proceedings in D.V.A.No.6 of 2015 on the file of the Judicial Magistrate No.1, Coimbatore.

2.This Court, in Crl.O.P.No.28458 of 2019 [Dr.P.Pathmanathan and others vs. Tmt.V.Monica and others], vide order dated 18.01.2021, after elaborately considering the nature of the proceedings under the Protection of Women from Domestic Violence Act before the criminal Court and after considering the various decisions of the Supreme Court, dismissed the original petition holding that the proceedings under said Act in a Criminal Court are civil in nature; the truthfulness of allegation in the case has to be decided by letting in evidence in the trial Court; by invoking the provisions under Section 482 Cr.P.C., the proceedings before the trial Court cannot be quashed.

3. In this Criminal Original Petition, the petitioner seeks to quash the proceedings in D.V.A.No.6 of 2015 on the file of the Judicial Magistrate No.1, Coimbatore.

4.In view of the above said decision, the prayer in this criminal original petition is unsustainable. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

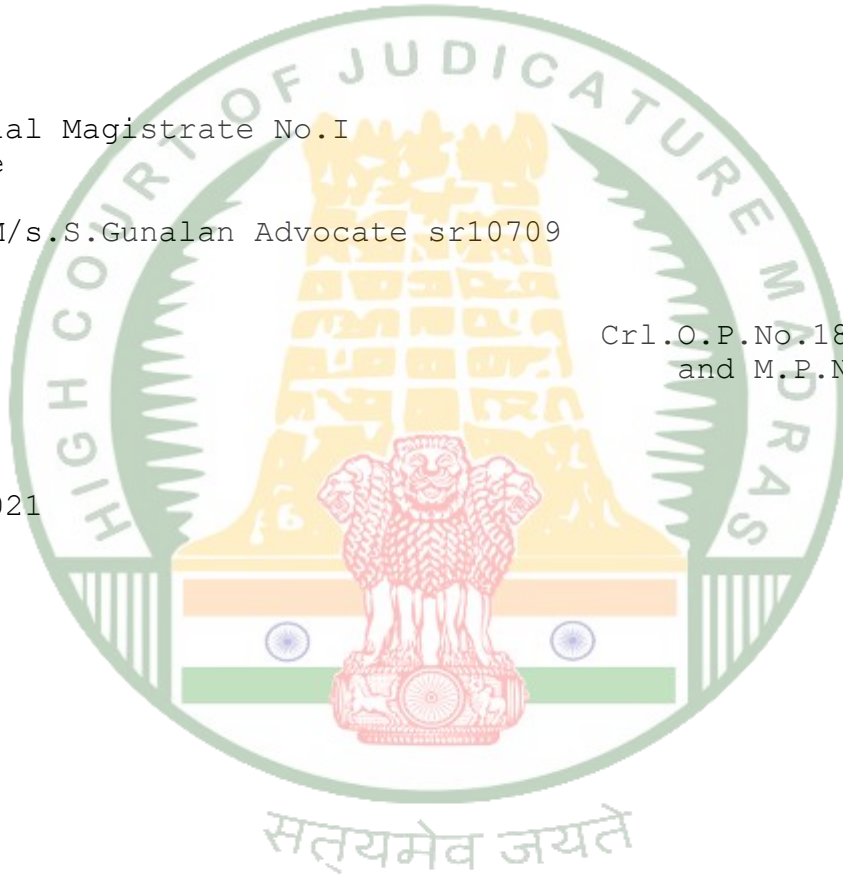
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Sub Asst. Registrar

vsn
To
The Judicial Magistrate No.I
Coimbatore

+1 cc to M/s.S.Gunalan Advocate sr10709

Crl.O.P.No.18353 of 2015
and M.P.No.1 of 2015

rsv(co)
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