

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No. 19818 of 2016
and
Crl.M.P.No.9266 of 2016

1.R.Maheswari
2.R.Jagannathan
3.J.Agila
4.R.Srinivasan

... Petitioners

Vs.

Ilakiya

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records in D.V.C.No.27 of 2016 on the file of the learned Judicial Magistrate, Additional Mahila Court, Salem and quash the same.

For petitioners : Mr.K.A.Ravindran

ORDER

This petition has been filed to quash the proceedings in D.V.C.No.27 of 2016 on the file of the learned Judicial Magistrate, Additional Mahila Court, Salem.

2. Heard Mr.K.A.Ravindran, learned counsel appearing for the petitioners.

3.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.

4. In this Criminal Original Petition, the petitioners seek to quash the proceedings in D.V.C.No.27 of 2016 before the learned Judicial Magistrate, Additional Mahila Court, Salem.

5. In view of the above said decision, the prayer in this criminal original petition is unsustainable. Accordingly, this Criminal Original Petition stands dismissed with liberty to the petitioners to approach the trial Court for appropriate remedy. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

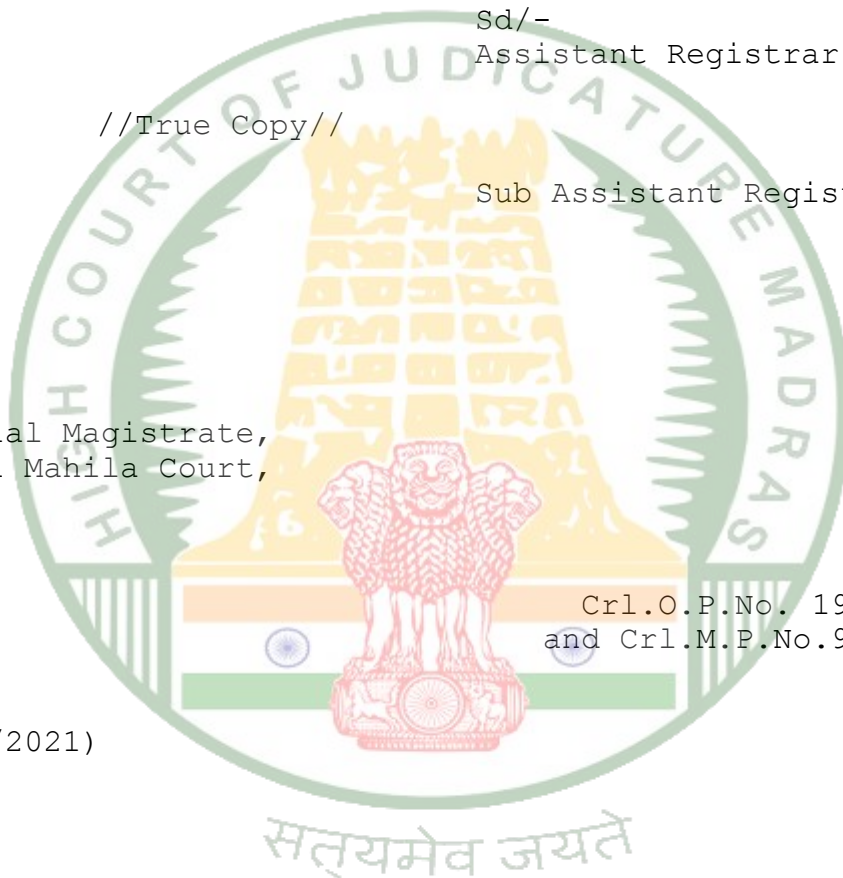
VSN

To

The Judicial Magistrate,
Additional Mahila Court,
Salem.

Crl.O.P.No. 19818 of 2016
and Crl.M.P.No.9266 of 2016

PL (CO)
TE (17/04/2021)



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