



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Cr1.R.C.No.541 of 2015
and M.P.No.1 of 2015

N.Rajasekar

... Petitioner

Vs.

R.Kanchana

... Respondent

PRAYER: This Criminal Revision Case has been filed under Section 397 read with Section 401 of Cr.P.C, and Protection of Women from Domestic Violence Act, 2005, praying to set aside the order passed in C.A.No.85 of 2013 dated 07.02.2015, on the file of the learned Principal District and Sessions Judge, Vellore, Vellore District and confirming the order passed in MC.No.7 of 2010, dated 06.09.2013, on the file of the Judicial Magistrate No.III, Vellore and to allow this Criminal Revision Case.

For Appellant : No appearance

For Respondent : (*)**Mr.A.Rajendra Kumar**

JUDGMENT

(This case has been heard through video conference)

This Criminal Revision Case has been filed by the revision petitioner to challenge the order passed in C.A.No.85 of 2013, dated 07.02.2015, on the file of the learned Principal District and Sessions Judge, Vellore, Vellore District.

2.Heard Mr.(*)**Mr.A.Rajendra Kumar** though video conference and perused the materials placed on record. The learned counsel for the petitioner is absent for the last three hearings.

3.It is seen from the records that the parties are husband and wife. The respondent herein/wife has filed a petition in MC.No.7 of 2010 before the Judicial Magistrate Court No.III, Vellore, under Sections 18, 19 and 20 of the Protection of Women from Domestic Violence Act, 2005, for protection; not to cause harassment; not to ask for divorce against her otherwise in accordance with law; also payment of interim maintenance and return of articles. The same was allowed by the



learned Judicial Magistrate by an order dated 06.09.2013. Aggrieved against the same, the husband appears to have filed an appeal in C.A.No.85 of 2013 before the learned Principal District and Sessions Judge, Vellore, Vellore District, wherein, the learned Judge has confirmed the order of the learned Judicial Magistrate and hence, the Criminal Revision Case.

4.After perusing the records and also taking note of the fact that as admitted, issuance of legal notice forcing the wife to give divorce other than in accordance with law and all other factors have been duly taken into consideration by the learned Judicial Magistrate as well as by the Sessions Court. In the absence of any perversity, I find that the scope of the revision petitioner is limited besides on factual position, the husband is trying to get divorce from illegal means and hence, I do not find any merit in this criminal revision.

5.Accordingly, this Criminal Revision Case stands dismissed and the order passed by the learned Judicial Magistrate No.III, Vellore, in M.C.No.07 of 2010, dated 06.09.2013, as confirmed by the learned Principal District and Sessions Judge, Vellore, Vellore District, in C.A.No.85 of 2013, dated 07.02.2015 is hereby confirmed.

Sd/-

Assistant Registrar(CS VIII)

Dated:08/07/2021

**(*)Correction carried out as
per order dated 29/07/2021**

Sd/-

Assistant Registrar (CS-VIII)

Dated:05/08/2021

//True Copy//

Sub Assistant Registrar

dua

To

1. The Principal District and Sessions Judge,
Vellore, Vellore District.
2. The Judicial Magistrate No.III,
Vellore.

**To be substituted the
order already
Despatched on 22/07/2021**



3. The Public Prosecutor,
High Court, Madras.

WEB COPY

CrI.R.C.No.541 of 2015
and M.P.No.1 of 2015

RSV(CO)
PM(20/07/2021)

srg 05/08/2021