



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO.20141 OF 2017

AND

CRL.M.P.NOS.12121 AND 12122 OF 2017

1. R. Sekar
2. C. Rangaraj
3. R. Selvam ... Petitioners

Vs

1. S. Vimalajothi
2. The Protection Officer
District Social Welfare Office
Kanchipuram
Kanchipuram District. ... Respondents

PRAYER :

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the proceedings in M.C.No.13 of 2014 on the file of the Judicial Magistrate No.1, Kanchipuram and quash the same.

For Petitioner	...	Mr.G.M.Sankar
For Respondents	...	Mr.M.Senthamizh Selvan for R.1. Mr.S.Vinoth Kumar Government Advocate (Criminal Side) for R.2

O R D E R

This Criminal Original Petition has been filed to quash M.C.No.13 of 2014, pending on the file of the Judicial Magistrate No.1, Kanchipuram.

2. The first respondent/wife of the first petitioner herien has filed M.C.No.13 of 2014, before the learned Judicial Magistrate No.I, Kancheepuram, against her husband, in-laws and brother-in-law, alleging various domestic violence and claimed the following reliefs:-



(i). Restraining the respondents from in any manner interfering with the petitioner's peaceful possession and enjoyment or evict, move away from the house or alienate or encumber the house bearing Plot No.21 Subramanian Salai, Nanthini Garden, Valathorttam, Kancheepuram, as per Section 19 (1) of the Protection of Women from Domestic Violence Act.

(ii). Direct the first respondent to make arrangements to reconnect the EB connection S.C.No.3250041059 to the home.

(iii). direct the respondent to handover all the seethena articles morefully described under the schedule below, given as dowry at the time of marriage of this petitioner under Section 19 (8) failing which the same may be seized from the custody of the respondents with the help of Police under Section 19 (7) of the Protection of Women from Domestic Violence Act and handover the same to this petitioner.

(iv). direct the respondents to pay a sum of Rs.10,00,000/- as damages for the ill treatments caused by the respondents to the petitioner under Section 12 (1) (2) r/w.22 of the Protection of Women from Domestic Violence Act.

(v). direct the respondents to pay a sum of Rs.2,00,000/- as damage towards the marriage expenses incurred by the petitioner's father for the marriage of the petitioner with future interest at the rate of 12% per annum in favour of the petitioner under Section 20 (1) (2) of the Protection of Women from Domestic Violence Act.

(vi). An order of injunction restraining the respondents and their men from making any attempt to communicate in any form, whatsoever with the petitioner, including personal, oral or written or electronic or telephonic contract, till the final disposal of this petitioner as provided under Section 18 (d) of the Protection of Women from Domestic Violence Act and direct B 3 Kanchi Taluk Police to give protection to the petitioner if necessary as provided under Section 18 (7) of the said Act to implement the order of this Court.

(vii). To award a sum of Rs.1,00,000/- to the petitioner to meet out the litigation expenses as costs of this petitioner.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. As the application is filed under Sections 12 (1) (2), 18 (4), 19 (1) (f), 19 (8), 19 (7), 20 (1) (2) and 22 of the Protection of Women from Domestic Violence Act, 2005, Section



13 of the Act makes it very clear about the service of notice. Section 14 deals with Counselling and Section 15 deals with assistance of welfare expert. Only after finding that Domestic Violence has been taken place or likely to take place, the Magistrate would normally pass an order in favour of the aggrieved person. Such a thing has not culminated, only on the protection order has not complied with, the question of penal action will follow under Section 31 of the Act. Under such circumstances, this Court is not inclined to quash the very application under Section 12 of the Act.

5. In the result, this Criminal Original Petition is dismissed. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners before the Trial Court is dispensed with except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court. They shall be represented by a counsel, who shall cross examine the witnesses on the same day, when they are examined in Chief. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mvs

To

1. The Judicial Magistrate No.I, Kanchipuram .
2. The Protection Officer
District Social Welfare Office
Kanchipuram
Kanchipuram District.
3. The Public Prosecutor,
High Court, Madras.

CrI. O.P. No.20141 of 2017

GSM(CO)
PM/05/01/2022