



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 09.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No. 21758 of 2017and
CrI.M.P.Nos.12804 and 12805 of 2017

M.Kuppusamy

...Petitioner

Versus

1.Ramalakshmi

2.KS.Sakthi Kamalam

...Respondents

(minor rep.by mother and
natural guardian Ramalakshmi)

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in M.C.No.43 of 2015 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai and to quash the same as against the petitioner herein.

For Petitioner : Mr.A.Kalaivanan

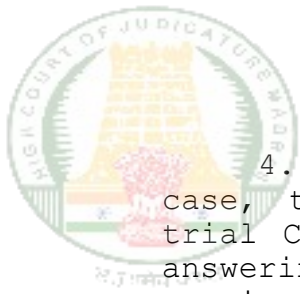
For Respondents : No appearance

ORDER

This Criminal Original Petition has been filed to quash the criminal proceedings in M.C.No.43 of 2015 on the file of the Learned XVII Metropolitan Magistrate, Saidapet, Chennai.

2. On a perusal of the entire materials available on record, it is noted that certain allegations of domestic violence have been leveled as against the accused. Whether or not domestic violence has been perpetrated by the accused, has to be decided by way of adducing evidence before the trial Court and the same cannot be gone into by this Court in a petition under Section 482 Cr.P.C.

3. The petitioner is not arraigned as an accused, but only as a respondent in the maintenance case. In such view of the matter, the question of prosecution will arise only if a protection order is passed and is violated. Therefore, at this stage, this Court is not inclined to invoke its powers under Section 482 Cr.P.C. and quash the proceedings at the threshold.



4. Considering the entire facts and circumstances of the case, the personal appearance of the petitioner before the trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., passing of judgment, or on any other date as may be required by the trial Court.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected criminal miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

psa/asr

To

The XVII Metropolitan Magistrate,
Saidapet, Chennai.

+1cc to Mr.A.Kalaivanan, Advocate SR. No.65721

Cr1. O.P. No. 21758 of 2017

GPL (CO)
PR (23/12/2021)