



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL. O.P. NO.19407 OF 2017

AND

CRL.M.P.NOS.11732 & 11733 OF 2017

R.Ramesh

...Petitioner/1st Respondent

Vs.

S.Bhavani

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in M.C.No.17 of 2013 on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.R.Vivekananthan

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed to call for the records in M.C.No.17 of 2013 on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

2. This petition has been filed for claiming the protection order under the Domestic Violence Act.

3. Since the petition is filed under Section 12 of the Domestic Violence Act, 2005, an initial prosecution for violation of protection order does not arise at all.

4. This Court is of the view that as the petition has been filed under Section 12 of the Domestic Violence Act to find out whether any domestic violence is committed by the petitioner, infact, the petitioner herein cannot be termed as an



accused. In such view of the matter, invoking Section 482 of Cr.P.C to quash the proceedings does not arise at all and invoking the penal provision will be attracted only after violation of any protection order passed by the learned Magistrate. Accordingly, at this stage, this Court is not inclined to quash the proceedings as against the petitioner. The learned Judicial Magistrate shall dispose of the main case as expeditiously as possible on merits.

5. At this juncture, the learned counsel appearing for the petitioner seeks indulgence of this Court to grant an order dispensing with the personal appearance of the petitioner. Accordingly, the personal appearance of the petitioner before the trial Court is dispensed with except on any other date as may be required by the trial Court.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

msv/nr

To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai

+1cc to Mr.R.Vivekananthan, Advocate, S.R.No.68751

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SJ(CO)
RLP(12/01/2022)