



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**
Cr1.O.P. (MD) No.11209 of 2019
and Cr1.M.P. (MD) .No.7044 of 2019

WEB COPY

1.Socrates
2.Bose
3.Jansi Rani

.. Petitioner/Respondent

Vs.

Sellammal

.. Respondent/Petitioner

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Cr.M.P.No.2391 of 2018 in D.V.O.P.No.01 of 2018 passed by the learned District Munsif Cum Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District and Set aside the same.

For Petitioners : No Appearance

ORDER

This petition has been filed seeking order setting aside the order passed by the learned District Munsif cum Judicial Magistrate, Thiruvadanai, Ramanathapuram District in Cr.M.P.No.2391 of 2018 in D.V.O.P.No.01 of 2018.

2.When the matter is taken up for hearing today, there is no representation for the petitioner. Perusal of records shows that Cr.M.P.No.2391 of 2018 has been filed by the wife seeking interim maintenance and produce the Salary Certificate of her husband in the D.V.O.P.No.1 of 2018 proceedings. It was allowed. Against which the respondents come forward to this Court.

3.It has been settled by this Court in a batch of Criminal original petitions in Dr.Paranthaman's case, that petition under Section 482 Cr.P.C. is not maintainable for quashment of cases under DV Act. A clear direction has been issued to all the Courts, which deal with DV Act matters that they shall conclude the proceedings within a period of three months. It is the matter of the year 2018. Hence, the trial Court ought to have complied the above said order. Even though the matter has been referred to a Larger Bench, I am of the considered view that since already direction has been issued to complete the proceedings, within a period of three months from the



date of filing of the case, so quashment cannot be ordered by this Court. However, on the basis of the outcome of the proceedings in the Larger Bench, the petitioner can workout his remedy in the manner known to law.

4. With the above directions and liberty, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Munsif Cum Judicial Magistrate, Thiruvadanai,
Ramanathapuram District

CrI.O.P. (MD) No.11209 of 2019
26.11.2021

RD(27.12.2021) 2P 2C