



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAR

Crl.O.P.(MD)No. 11467 of 2021

WEB COPY

Jaya

... Petitioner/Petitioner

Vs.

Subramaniyan

... Respondent/Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned Judicial Magistrate, Nanguneri to expedite the trial in DVOP No.3 of 2019 and complete the same, within the time stipulated by this Court.

For Petitioner : Mr.K. Prabhu

ORDER

The petition has been filed seeking for a direction to the learned Judicial Magistrate, Nanguneri, to expedite the trial in DVOP No.3 of 2019, within the time stipulated by this Court.

2. It is a matrimonial dispute between the husband and wife and for the past several years they are living separately and she is living along with her two children. This petitioner has filed a petition in DVOP No.3 of 2019 before the learned Judicial Magistrate, Nanguneri, seeking maintenance and for other reliefs and the same is kept pending. Hence, this petitioner is before this Court.

3. When the petition came up for hearing, the learned counsel appearing for the petitioner would submit that due to COVID-19 lock down the Courts were not functioning and seeks for a direction to expedite the trial in DVOP No.3 of 2019.

4. In view of the judgement of this court in the judgement reported in **Dr.P.Padmanaban and other Vs Monica and Another 2021 1 MLJ Cr1. 311**, this court was of the opinion that the matter must be dealt by the Trial court as power under section 482 of Criminal procedure code cannot be invoked against the petition filed under Sections 12 and 37(2)(H) of Protection of Women From Domestic Violence Act, 2005.

5. The proceedings under Sections 12 and 37(2)(H) of Protection of Women From Domestic Violence Act, 2005, is civil in nature. Considering the nature and facts and circumstances of the case, there shall be a direction to the learned Judicial Magistrate, Nanguneri, to expedite the trial in DVOP No.3 of 2019,

<https://hcmjsscourts.in/hcmjsscourts>



within a period of two months from the date of receipt of copy of this order. After compliance, the report should be submitted to the Registry of this Court to that effect.

6. With the above directions, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa

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

The Judicial Magistrate,
Nanguneri.

+1 CC to M/s.K.JEYAMOHAN, Advocate (SR-26567[F] dated 17/08/2021)

Cr1.O.P.(MD)No.11467 of 2021
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KS (CO)
SB(27.08.2021) 2P 3C