



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD) No.13411 of 2021

Nasreen Banu

... Petitioner/Petitioner/Petitioner

.Vs.

1.Ashraf Ali

2.Kamal Mohamed

3.Sheik Abdulla

4.Fathima

5.Surath Ali @ Jabar Ali Asath

6.Parveen Banu

... Respondents/Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order dated 04.05.2021 made in Crl.M.P.No.2712 of 2021 passed by the learned Judicial Magistrate, Additional Mahila Court, Tiruchirapalli.

For Petitioner

: Mr.D.S.Haroon Rasheed

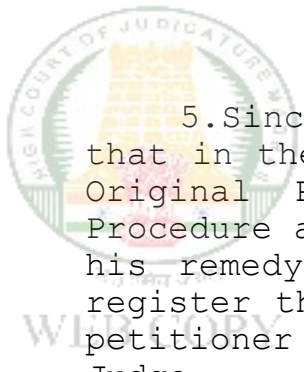
ORDER

This petition is filed seeking an order to set aside the order passed in Crl.M.P.No.2712 of 2021 by the learned Judicial Magistrate, Additional Mahila Court, Tiruchirapalli dated 04.05.2021.

2.The petitioner filed DVC.No.29 of 2017 before the trial Court for reopening the case for the purpose of further examination as well as letting further evidence. That petition came to be dismissed on 04.05.2021 observing that after the chief examination was over, the petitioner did not turn up for cross examination. So, it was dismissed.

3.Since a Criminal Original Petition has been filed against the order passed in the DVC proceedings, as per the judgment of this Court in the case of **Dr.P.Pathmanathan and others Vs. V.Monica and another** reported in **2021 (2) CTC 57**, the DVC proceedings are civil in nature. So, the Criminal Original Petition may not lie under Section 482 of the Code of Criminal Procedure, challenging the order passed by the concerned Judge under Section 311 of Cr.P.C.,

4.However, the learned counsel appearing for the petitioner would submit that the petitioner cannot move a petition as Civil Revision Petition before this Court, challenging the order passed under Section 311 of Cr.P.C.



5.Since the law has been declared by this Court to the effect that in the civil dispute, this Court cannot entertain the Criminal Original Petition under Section 482 of the Code of Criminal Procedure against the aforesaid order, the petitioner has to workout his remedy appropriately. Request made to direct the Registry to register this case as Civil Revision Petition is not in proper. The petitioner has to workout his remedy before the concerned roster Judge.

6.With the aforesaid direction, this this petition is dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Judicial Magistrate,
Additional Mahila Court,
Tiruchirapalli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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