



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.13784 of 2021

Raghunathan

... Petitioner/Respondent

Vs.

1. Valarmathi Devi

2. Minor. Chitra

3. Minor. Monisha

...Respondents/Petitioners

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned District Munsif cum Judicial Magistrate Court, Athoor, Dindigul District to expedite the proceedings in D.V.O.P.No.14 of 2019, within a time-frame as may be fixed by this Court.

For Petitioner : Mr.T.Veerakumar

ORDER

This petition is filed to direct the learned District Munsif cum Judicial Magistrate Court, Athoor, Dindigul District to expedite the proceedings in D.V.O.P.No.14 of 2019, within a time-frame as may be fixed by this Court.

2. When the matter is taken up for hearing, it is brought to the notice of this Court the issue in this petition has already been resolved in the judgment of co-ordinate bench of this Court in a batch of Criminal Original petitions dated 18.01.2021, Crl.OP.Nos.28458 of 2019 etc., batch.

3. On perusal of the aforesaid order, it came to the light that after a detailed consideration of the entire law on this point the Court has held that the petition filed by the aggrieved person under Section 12 of the Domestic Violence Act, 2005, is only a civil proceedings and not a criminal proceedings and the aggrieved person is entitled to pursue his remedy as provided under the Act and since it has been taken as a civil proceedings, even though, filed before the Judicial Magistrate of the first Class, power under Section 482 Cr.P.C cannot be invoked to quash the same. If at all only power under Article 227 can be invoked. That too when an extraordinary case is made out, involving jurisdictional error and causing of manifest or substantial injustice. In the concluding portion of the order, it has been observed in paragraphs 53 and 54 are as follows:-



"53. In the result, these petitions under Section 482 Cr.P.C., are not maintainable, and will accordingly stand dismissed. The petitioners will be at liberty to approach the Magistrate, and work out their remedies in accordance with the directions laid down, supra. The Magistrates shall endeavour to complete the proceedings within a period of three months from the date of receipt of a copy of this order.

54. The Registry is directed to circulate a copy of this order to the Principal District and Sessions Judges in the State, who in turn, will do the needful to bring the directions laid down in this order to the notice of the Judicial Magistrates, in their respective Sessions Divisions, for proper disposal of the applications filed under Section 12 of the D.V. Act."

4. The above order is squarely applicable to the present factual circumstances of the case. In view of the above, this petition will not lie and the parties shall work out their remedies as provided under the Act as observed and directed in the above said judgment.

5. With the above observation, this petition stands disposed and the learned District Munsif cum Judicial Magistrate Court, Athoor, Dindigul District is directed to comply with the direction passed in the above said order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vrn

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 Court, Athoor,
Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices>



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-29556[F] dated 20/09/2021)

Crl.O.P. (MD) No.13784 of 2021

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