



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.13876 of 2020

and

Crl.M.P(MD)No.6377 of 2020

WEB COPY

P.Ganesan ... Petitioner/Respondent

Vs.

M.Revathy Prema Rubarani ... Respondent/ Petitioner

Prayer : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to quash the proceedings in DVOP.No.26 of 2020 on the file of Judicial Magistrate Court No.I, Tirunelveli.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondent : Mr.N.Pragalathan

ORDER

The petitioner has filed the present petition under Section 482 of Code of Criminal Procedure, seeking to quash the proceedings in DVOP.No.26 of 2020 on the file of Judicial Magistrate Court No.I, Tirunelveli.

2.A learned Single Judge of this Court, passed an order in Crl.O.P. Nos.28458 of 2019 batch, dated 18.01.2021, has held that since a Domestic Violence Original Petition (DVOP) is quasi civil in nature, a petition under Section 482 of the Code of Criminal Procedure, 1973, to quash the same, is not maintainable.

3.It is further held that a petition under Article 227 of the Constitution may still be maintainable if it is shown that the proceedings before the Magistrate suffer from a patent lack of jurisdiction.

4.In the circumstances, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

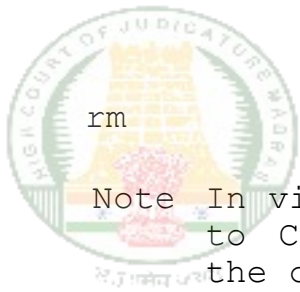
Sd/-

Assistant Registrar (AD-II)

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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

The Judicial Magistrate Court No.I,
Tirunelveli.

+1 CC to Mr.N.PRAGALATHAN, Advocate (SR-3029[F] dated 03/02/2021)

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29.01.2021

VB (11.02.2021) 2P 3C