



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.13872 of 2020

and

Crl.M.P(MD)No.6366 of 2020

WEB COPY

1.A.Nadanasababathi

2.Dhanalakshmi

... Petitioners/Respondents 2 & 3
Vs.

N.Sree Bibinya

... Respondent/Petitioner

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to quash the proceedings in DVOP.No.5 of 2020 on the file of Judicial Magistrate Court No.II, Nagercoil, as against the petitioners.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.C.T.Perumal

ORDER

The petitioner has filed the present petition under Section 482 of Criminal Procedure Code, seeking to quash the proceedings in DVOP.No.5 of 2020 on the file of Judicial Magistrate Court No.II, Nagercoil.

2.A Single Bench 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 Code of Criminal Procedure, 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(CO)

// 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.

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TO

1. The Judicial Magistrate No.II, Nagercoil.
2. The Chief Judicial Magistrate, Nagercoil.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-2548[F] dated 01/02/2021)

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29.01.2021

ARK(CO)

TR(10.02.2021) 2P 5C