



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

**Crl.O.P. (MD) No.22089 of 2018
and Crl.M.P. (MD) .Nos.10277 & 10278 of 2018**

1.R.Elavarasan

2.Silambayee

.. Petitioners/Accused No.1 and 2

Vs.

Kokila Devi

.. Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Private Complaint in Crl.M.P.No.3358 of 2018 of on the file of the Learned Judicial Magistrate, Vadipatti Court Madurai District filed under sections 12 of the Domestic Violence Act 2005 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.R.Karuppiah

ORDER

This petition has been filed seeking quashment of the Private Complaint in Crl.M.P.No.3358 of 2018 of on the file of the Learned Judicial Magistrate, Vadipatti Court Madurai District filed under sections 12 of the Domestic Violence Act 2005.

2.It has been settled by this Court in a batch of Criminal original petitions in Dr.Paranthaman's case, that petition under Section 482 Cr.P.C. is not maintainable for quashment of cases under DV Act. A clear direction has been issued to all the Courts, which deal with DV Act matters that they shall conclude the proceedings within a period of three months. It is the matter of the year 2016. Hence, the trial Court ought to have complied the above said order. Even though the matter has been referred to a Larger Bench, I am of the considered view that since already direction has been issued to complete the proceedings, within a period of three months from the date of filing of the case, so quashment cannot be issued by this Court. However, on the basis of the outcome of the proceedings in the Larger Bench, the petitioner can workout his remedy in the manner known to law.



3.With the above directions and liberty, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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,
Vadipatti.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-35297[F]
dated 22/11/2021)

CrI.O.P. (MD) No.22089 of 2018
19.11.2021

PK (CO)

GC (02.12.2021) 2P 3C