



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2022

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.12299 & 12300 of 2016
and
Crl.M.P.Nos.6330 & 6332 of 2016

1. S.M.K.Subbulakshmi
2. Parimalam @ Ravi
3. Arulmozhi
4. Tamil Arasi

... Petitioners in Crl.O.P.No.12299 of 2016

Manoharan

... Petitioner in Crl.O.P.No.12300 of 2016

Vs.

Kalaiselvi

... Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, to call for the records in D.V.A.No.8/2016, on the file of Judicial Magistrate No.II, Pollachi, Coimbatore District and quash the same.

For Appellants : Mr.C.Veeraraghavan
For Respondent : Mr.Balaganesh
For T.M.Hariharan.

COMMON ORDER

These Criminal Original Petitions have been filed to call for the records in D.V.A.C.No.8 of 2016 on the file of Judicial Magistrate-II, Pollachi, Coimbatore District.

2. When the matters are taken up for hearing today, the learned counsel for the petitioners submitted that the respondent is a complainant in the domestic violence case filed against the petitioners in D.V.A.C.No.8 of 2016 pending on the file of the Judicial Magistrate Court-II, Pollachi. She died on 28.11.2019. Therefore, he prays to quash the D.V.A.C proceedings as nothing survives for consideration.

3. The learned counsel for the respondent also submitted



that Kalaiselvi died on 28.11.2019.

4. As per Section 2(a) of the Protection of Women from Domestic Violence Act, 2005, 'aggrieved person' is woman, who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent. After the death of Kalaiselvi, it appears that nothing survives in D.V.A.C.No.8 of 2016.

5. It is reported that the case is still kept pending on the file of the Judicial Magistrate Court-II, Pollachi and Death Certificate of Kalaiselvi is not produced before the Court.

6. Therefore, the learned Judicial Magistrate-II, Pollachi is directed to pass appropriate orders on receiving the Death Certificate of Kalaiselvi in the manner known to law.

7. Accordingly, these Criminal Original Petitions stand disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Judicial Magistrate No.II,
Pollachi, Coimbatore District.
2. do through The Chief Judicial Magistrate,
Coimbatore.

Crl.O.P.Nos.12299 & 12300 of 2016 and
Crl.M.P.Nos.6330 & 6332 of 2016

GMR(CO)
CT 29/04/2022