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Crl.O.P.No.22081 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.22081 of 2016

C.Sathishkumar, 38 years,
Son of N.Chokalingam,
Plot No.9, 6th Cross Street,
Vinobaji Nagar,
Hasthinapuram, Chennai 600 081.

... Petitioner

Vs.

P.Nallathai,
Daughter of A.Paramasivam,
No.8/4, Rama Arangal Street,
New Washermenpet,
Chennai 600 081.

... Respondent

PRAYER : This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in D.V.C.No.11 of 2014 pending on the file of XV Metropolitan Magistrate at George Town, Chennai 600 001 and quash the same.

For Petitioner : Mr.C.Gunasekaran
Legal aid counsel

For Respondents : Mr.D.Manimaran



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ORDER

This Criminal Original Petition has been filed to call for the records in D.V.C.No.11 of 2014 pending on the file of XV Metropolitan Magistrate at George Town, Chennai 600 001 and quash the same.

2.Learned legal aid counsel appearing for the Petitioner submitted that the case is at the stage of cross examination of PW1 before the trial court. On 14.11.2016, the Petitioner was directed to pay a sum of Rs.5,000/- per month as maintenance amount. Thereafter, he filed this Petition and failed to make payment.

3.Learned legal aid counsel appearing for the Petitioner fairly submitted that three Judges Bench of this Court in the case of *Arul Daniel & others Vs. Suganya* in *Crl.OP.SR.Nor31852 of 2022* and batch cases dated 17.11.2022, observed that challenging the domestic violences has to be by way of Writ Petition under Article 227 and not under Section 482 of Cr.P.C.,

4.Recording the same, this Petition is dismissed, with liberty to file



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a Petition following the judgment stated supra, so that the victim get some relief.

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24.11.2022

Internet : Yes/No

Index : Yes/No

Speaking Order/Non-Speaking order

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To

1. The learned XV Metropolitan Magistrate,
George Town, Chennai 600 001

2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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