



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.Nos.7575 and 7561 of 2022
and
Crl.M.P.No.4360 and 4349 of 2022

T.Mohanraj ... Petitioner in both Crl.O.Ps

Vs.

K.Lakshmi
M.C.C.S.S. Madras Christian Council
of Social Service,
No.21, 6th Main Road,
Jawahar Naga, Peravallur,
Chennai - 600 082.

... Respondent in both Crl.O.Ps

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of Cr.P.C., to set aside the order of the lower Court in Crl.M.P.Nos.1026 and 1027 of 2021 respectively in DVC No.82 of 2019 on the file of Additional Magila Magistrate Court, Egmore Chennai to reopen and recall the case.

For Petitioner : Mr.S.Dhanusu
in both Crl.O.Ps

COMMON ORDER

These Criminal Original Petitions are filed under Section 482 of Cr.P.C., to set aside the order of the lower Court in Crl.M.P.No.1026 of 2021 and Crl.M.P.No.1027 of 2021 in DVC No.82 of 2019 on the file of Additional Magila Magistrate Court, Egmore Chennai, dismissing the petitions filed by the petitioner to reopen and also examine the protection officer.

2.The case is instituted as against the petitioner u/s.12 of the Domestic Violence Act. The case of the petitioner is that before the Protection Officer he did not appear, however, the report has been filed without even issuing summons to the petitioner to appear before him. In that aspect, the petitioner



wants to examine the protection officer to prove his case before the trial Court. Previously, this Court had quashed the petition as against one of the petitioners and directed the trial Court to dispose of the trial within a period of six months.

3. Heard the learned counsel for the petitioner.

4. This Court is of the view that merely because there is a direction to dispose of the case, the right of the petitioner to examine witnesses on his side cannot be taken away.

5. These petitions are allowed accordingly. The order of the Additional Magila Magistrate Court, Egmore Chennai, in Crl.M.P.No.1026 of 2021 and Crl.M.P.No.1027 of 2021 in DVC No.82 of 2019 is set aside. The trial Court shall fix a date for examination of the protection officer. On that day the petitioner shall examine the protection officer. Failure to examine the protection officer on the same day, the petitioner will be losing his right of examination. After the examination, the trial shall be expedited and the trial Court shall dispose of the matter expeditiously.

6. With the above direction, these Criminal Original Petition stand allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Judicial Magistrate,
The Additional Magila Magistrate Court,
Egmore, Chennai.

+4ccs to Mr.S.Dhanusu, Advocate, S.R.Nos.40246, 40247

Crl.O.P.Nos.7575&7561 of 2022
Crl.M.P.Nos.4360 & 4349/2022

PM(CO)
UMA(07/07/2022)