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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14478 of 2020

Mathiazhagan

... Petitioner

Versus

Samundeswari

... Respondent

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to set aside the order in Criminal Original Revision Petition No.1 of 2020 dated 23.06.2020 on the file of II Additional Judge at Puducherry in confirming the order dated 19.10.2019 in Cr.M.P.No.2381 of 2016 in M.C.No.12 of 2015 by setting aside the entire proceedings on the file of the Judicial Magistrate No.1 at Puducherry.

For Petitioner : Mr.P.Veeraraghavan

For Respondent : M/s.Sudha Ramalingam

O R D E R

This petition has been filed to set aside the order in Criminal Original Revision Petition No.1 of 2020 dated 23.06.2020 on the file of II Additional Judge at Puducherry in confirming the order dated 19.10.2019 in Cr.M.P.No.2381 of 2016 in M.C.No.12 of 2015 by setting aside the entire proceedings on the file of the Judicial Magistrate No.1 at Puducherry.

2. The petitioner is the husband and the respondent is the wife. She filed a petition for complaint under the domestic violence in M.C.No.12 of 2015 for the following relief:

- a. Restraining the respondent from dispossessing or in any other manner disturbing the possession of the petitioner and her child from the share household at No.30, 3rd Main Road, Sellpappu Nagar, Reddiyarpalayam, Puducherry
- b. Directing the respondent not to disturb the custody of the petitioner children
- c. Prohibiting the respondent from committing, aiding or abetting in the act of domestic violence committed by the



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respondents jointly and severally

d.directing the respondent to pay sum of Rs.20,000/- per month towards monetary expenses for the petitioner towards food clothers, medication and other basic necessities.

e.directing the respondents to pay a sum of Rs.20,00,000/- towards compensation for mental tortures, physical manhandling and emotional distress caused to the petitioners by the respondents;

f.directing the officer in charge of the Reddiyar Palayam Police Station to give protection to the petitioner

3. While pending complaint, the petitioner filed a petition for discharging him from the complaint on the ground that the complaint itself is barred by limitation. The Trial Court rightly held that the allegations levelled as against the petitioner is continuous one and as such the limitation would not attract in the present case and dismissed the petition. Aggrieved by the same, the petitioner filed the revision before the First Appellate Court and the same was also dismissed on the ground that the petitioner and the respondent are lived in domestic relationship and as such their dispute can only be decided during the trial, which absolutely is appreciation of the evidences which can let by both the parties. Therefore, the petitioner is not entitled for discharge on the basis of the limitation.

4. In view of the above, this Court finds no infirmity of illegality in the aforesaid orders. Thus, this petition stands dismissed. No costs.

5. However, this Court directs the learned Judicial Magistrate No.I at Puducherry to complete the trial in M.C.No. 12 of 2015 within a period of 3 months from the date of receipt of a copy of this Order.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

dhk

To

1.The II Additional Judge,
Puducherry.



2.The Judicial Magistrate, No.I
Puducherry

3.The Public Prosecutor(Puducherry),
High Court, Madras.

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NRL(CO)
SB(04/07/2022)