



Crl.O.P.No.11598 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11598 of 2016

S.Pandurangan

.. Petitioner

Vs.

1.A.Lakshmi

2.The Protection Officer,
Domestic Women Violations Act
Rajaji Salai, Chennai.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure may be pleased to quash the Complaint in C.C.No.684 of 2016 pending on the file of the Learned V Metropolitan Magistrate, Egmore, (Now at Lillipond, Periamet) Chennai.

For Petitioner : M/s.K.M.Balaji

For Respondent : Mr.L.Baskaran



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ORDER

This Criminal Original Petition has been filed to quash the Complaint in C.C.No.684 of 2016 pending on the file of the Learned V Metropolitan Magistrate, Egmore, (Now at Lillipond, Periamet) Chennai.

2. The case of the prosecution is that the 1st respondent filed a complaint against the petitioner before the 2nd respondent/Protection Officer under the Domestic Violence Act. Based on the said complaint, summons were issued to the petitioner directing him to appear for enquiry, pursuant to which, the petitioner had appeared before the authority and thereafter, no intimation was received by the petitioner. However, on the blue, the 2nd respondent had filed a complaint against the petitioner on the file of the V Metropolitan Magistrate, Egmore, Chennai in C.C.No.684 of 2016, pursuant to which, it was taken on file and summon was issued to the petitioner for his appearance. Challenging the same, the present Criminal Original Petition has been filed seeking to quash the above C.C.No.684 of 2016.



3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The issue involved in the present case is squarely covered by the earlier order passed by the Hon'ble Full Bench of this Court in the case of *Arul Daniel and Ors vs. Suganya and Ors* reported in **[Manu/TN/8422/2022]** vide order dated 17.11.2022.

5. In view of the decision of the Hon'ble Full Bench of this Court, this Criminal Original Petition is not maintainable before this Court and accordingly, the same stands dismissed. Consequently connected miscellaneous petition stands closed.

6. However, taking into consideration the request made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is



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M.DHANDAPANI, J.
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pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

25.01.2023

nhs

Copy to:

1. The Protection Officer,
Domestic Women Violations Act
Rajaji Salai, Chennai.
2. Learned V Metropolitan Magistrate,
Egmore (Now at Lillipond, Periamet) Chennai.

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