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Crl.OP No.25865 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-11-2023

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl. OP No.25865 of 2023

And

Crl.MP Nos.17948 and 17949 of 2023

Mr.P.Vasanthan

... Petitioner

Vs.

B.Saranya Devi

... Respondent

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, calling for the records pertaining to the case in MC No.31 of 2022 on the file of the Additional Mahila Court at Thiruvallur and to quash the same.

For Petitioner

: Ms.A.Yamuna

For Respondent

: Mr.S.Udaya Kumar,



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Government Advocate
(Criminal Side).

ORDER

The present Criminal Original Petition has been filed to quash the Maintenance Case filed by the wife on the ground that the petitioner's wife has already initiated proceedings under the Domestic Violence Act, seeking maintenance and therefore, there cannot be two proceedings for same relief.

2. The material placed before this court indicates that the respondent-wife has sought for financial assistance of Rs.20,000/- under the Protection of Women from Domestic Violence Act. Whereas she has instituted proceedings under Section 125 of the Code of Criminal Procedure, seeking maintenance of Rs.40,000/-.

3. The provisions of Domestic Violence Act and Section 125 of the Code of Criminal Procedure, are not mutually exclusive. They have to co-exist and any order providing financial assistance under the Domestic Violence Act, the same will be taken note of by the Magistrate, who deal the



petition for maintenance under Section 125 of the Code of Criminal Procedure.

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4. Therefore, the contention of the learned counsel appearing on behalf of the petitioner that there cannot be two different proceedings for same relief is not legally sustainable. Hence, the present Criminal Original Petition stands dismissed. Consequently, the connected Criminal Original Petitions are also dismissed.

10-11-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To

1.The Additional Judge,
Additional Mahila Court at Thiruvallur.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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DR.G.JAYACHANDRAN, J.

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