



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD)No.16471 of 2022
and CrI.M.P(MD)Nos.10962 and 10964 of 2022

1.S.Arabhi Mohamed

2.Ayeeshagani

3.Vzhithabanu

4.Shiffana Nazeema

5.Syed Abuthahir

... Petitioners/Respondents

Vs.

1.S.Arifa

2.State rep. by

The Protection Officer,

Domestic Violence Act,

District Social Welfare Office,

Dindigul.

... Respondents/Petitioners

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned proceedings in D.V.No.19 of 2022 on the file of the Additional Mahila Court (Judicial Magistrate Level), Dindigul and to quash the same as against these petitioners as illegal.

For Petitioners : Mr.S.Kirubakaran

For R1 : Mr.T.Lajapathi Roy
Senior Counsel
for M/s.V.U.S.Murugan

For R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



ORDER

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This Criminal Original Petition is filed to quash the impugned proceedings in D.V.No.19 of 2022 on the file of the Additional Mahila Court (Judicial Magistrate Level), Dindigul.

2. When the matter is taken up for hearing, the learned counsel for the 1st respondent/defacto complainant has cited a judgment in **Arul Daniel and others Vs. Suganya** reported in **(2022) 2 LW (Cri) 801**, wherein it is held in paragraph No.75 that a petition under Section 482 Cr.P.C challenging a proceeding under Section 12 of the D.V. Act is not maintainable.

3. In view of the above, the petitioner cannot question the D.V.C proceedings under Section 482 of Cr.P.C. Therefore, this Criminal Original Petition is not maintainable and thereby the same is dismissed. However, the petitioner is at liberty to challenge the proceedings in appropriate manner before the appropriate forum, if he is advised so. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
CM

11.07.2023



CrI.O.P.(MD)No.16471 of 2022

To

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1. The Protection Officer,
Domestic Violence Act,
District Social Welfare Office,
Dindigul.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

CM

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and CrI.M.P(MD)Nos.10962 and 10964 of 2022

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