



Crl.R.C.(MD)No.209 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 07.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.209 of 2017

and

Crl.M.P(MD) Nos.1836 and 1837 of 2017

1.S.Muruganantham

2.S.Murugan

3.S.Sivananinthammal (died)

4.P.Tamilselvan

(Death of the third petitioner is recorded vide order dated 31.08.2021 in Crl.R.C.(MD) No.209 of 2017)

... Petitioners

Vs.

1.Malarmalai

2.Minor.Issanika
Through her mother
Malarmalai

... Respondents

PRAYER : This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records of the impugned order dated 21.02.2017 in C.A.No.35 of 2016 passed by the learned I Additional District & Sessions Judge, Thoothukudi and set aside the same by allowing the revision petition.



Crl.R.C.(MD)No.209 of 2017

For Petitioners : Mr.Arul Vadivel Alias Sekar
Standing Counsel
for M/s.S.Bharathi

For R1 : Mr.S.M.Mohan Gandhi

ORDER

This Criminal Revision Case is filed to set aside the impugned order dated 21.02.2017 in C.A.No.35 of 2016 passed by the learned I Additional District & Sessions Judge, Thoothukudi.

2.The petitioners are respondents 2, 4, 5 and 6. The complaint lodged by the respondents under the Domestic violence Act. The trial court has taken cognizance of the case in D.V.No.4 of 2016 on the file of the learned Judicial Magistrate, Thiruchendur and issued summons to the petitioners. It was challenged by the petitioners in Crl.A.No.35 of 2016 on the file of the learned I Additional District and Sessions Judge, Thoothukudi and the same was dismissed. Aggrieved by the same, the present criminal revision case has been filed.

3. On perusal of the complaint, the respondents made out a *prima facie* case for taking cognizance by the trial Court for the relief sought



Crl.R.C.(MD)No.209 of 2017

for under the Domestic Violence Act. Therefore, the trial Court rightly taken cognizance and issued summons to the petitioners and the Appellate Court has also rightly dismissed the appeal. Therefore, this Court finds no infirmity or illegality in the order passed by the courts below. Accordingly, this Criminal Revision Case is dismissed. The trial Court is directed to proceed with the trial and complete the same within a period of three months from the date of receipt of a copy of this order, if not already disposed of. Consequently, connected miscellaneous petitions are closed.

07.03.2023

NCC : Yes/No
Internet: Yes/No
Index : Yes/No
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To

- 1.The I Additional District & Sessions Judge, Thoothukudi.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



Crl.R.C.(MD)No.209 of 2017

G.K.ILANTHIRAIYAN , J.,
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Crl.R.C.(MD)No.209 of 2017

07.03.2023