



Crl.O.P.(MD)No.2628 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.2628 of 2022

and

Crl.M.P.(MD)No.1954 of 2022

1.Rajkumar
2.Vaiyadurai
3.Pushpam
4.Chinnammal
5.Durgadevi

... Petitioners 1 to 5/Respondents 1 to 5

Vs.

1.Rathika
2.Minor Varshitha
3.Minor. Legasree Varunika

... Respondents 1 to 3/Petitioners 1 to 3

PRAYER:- Petition filed under Section 482 of Cr.P.C., to call for the records in pertaining to order dated 23.10.2021 by marking Exhibit P.7 in D.V.C.No.5 of 2019 on the file of the learned Judicial Magistrate Court, Tirumangalam and set aside the same as illegal.

For Petitioners : Mr.M.Silambarasan



Crl.O.P.(MD)No.2628 of 2022

WEB COPY

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 23.10.2021 by marking Exhibit P.7 in D.V.C.No.5 of 2019 on the file of the learned Judicial Magistrate Court, Tirumangalam.

2.The case of the petitioners is that the first petitioner is the husband and the other petitioners are in-laws of the defacto complainant. The marriage between the first petitioner and the defacto complainant was solemnized on 02.11.2008 and after marriage, there was a matrimonial dispute between the first petitioner and the defacto complainant. Thereby, the first petitioner filed a divorce petition before the Subordinate Judge, Tirumangalam in H.M.O.P.No. 137 of 2019 and the same was pending for adjudication. Similarly, the first respondent also filed an application under the Domestic Violence Act in D.V.C.No.5 of 2019 against the petitioners, in which, she sought for reliefs under Section 19(1)(f) for house rent, Section 20(1) for maintenance, Section 19(8) for return of two wheeler, Section 18 for protection of residence and Section 22 for compensation for cruelty and sought for protection of life and limb. While being so, in a domestic violence case, the first respondent marked six exhibits and apart from that, she marked Ex.P.7-Memory Card. However,



Crl.O.P.(MD)No.2628 of 2022

without any certificate recovered under Section 65(b)(4), the Memory Card was marked, which is illegal. Against which, the petitioner has filed the present petition before this Court.

3.The learned counsel for the petitioners would submit that this Court may grant liberty to the petitioners to take a defence for non-obtaining a certificate recovered under Section 65(b)(4) before the trial Court at the time of arguments.

4.Recording the same, this Criminal Original Petition stands dismissed with liberty to the petitioners to canvass all those points before the trial Court. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

Internet : Yes/No

NCC : Yes/No

Sji

To

The Judicial Magistrate Court, Tirumangalam.

31.01.2024



WEB COPY



Crl.O.P.(MD)No.2628 of 2022

M.DHANDAPANI, J.

Sji

Crl.O.P.(MD)No.2628 of 2022

31.01.2024