



Crl.O.P.(MD)No.15663 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.15663 of 2022

and

Crl.M.P(MD) No.10322 of 2022

1.Jeyaseelan

2.Pushba

... Petitioners/Respondent Nos.2 & 3

Vs.

Femina Betsy

... Respondent/Petitioner

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the impugned proceedings of the case in DVC No.19 of 2021 on the file of the learned Judicial Magistrate No.1, Padmanabhapuram, Kanyakumari District and quash the same against the petitioners.

For Petitioners : Mr.M.Suri

For Respondent : Mr.K.P.Narayanakumar



Crl.O.P.(MD)No.15663 of 2022

WEB COPY

ORDER

This petition has been filed to quash the proceedings initiated under the provisions of the Protection of Women from Domestic Violence Act, 2005, before the concerned jurisdictional Court.

2.Heard the learned counsel for the petitioners and the learned counsel for the respondent.

3.The issue raised in this petition is no longer res-integra in view of the pronouncement judgment in **Arul Daniel Vs. Suganya (in Crl.O.P.SR.Nos.31852 of 2022 etc.) reported in 2022-5-L.W. 481**, wherein, when similar issue came up for consideration before the Hon'ble Full Bench of this Court as to whether the proceedings, which is initiated under the provisions of Protection of Women from Domestic Violence Act, 2005, can be entertained under Section 482 of Cr.P.C, or not, the Hon'ble Full Bench of this Court has rendered a finding vide order dated 17.11.2022, to the effect that the proceedings initiated under the



Crl.O.P.(MD)No.15663 of 2022

WEB COPY

Protection of Women from Domestic Violence Act, 2005, could be challenged under Article 227 of the Constitution of India by way of filing a Civil Revision Petition instead of invoking the powers under Section 482 of Criminal Procedure Code.

4. In view of the decision rendered by the Full Bench of this Court, this Criminal Original Petition stands dismissed with liberty to the petitioners to workout their remedy in the manner known to law. Consequently, connected miscellaneous petition is closed.

18.03.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
Sji

To

The Judicial Magistrate No.1,
Padmanabhapuram,
Kanyakumari District.



WEB COPY



Crl.O.P.(MD)No.15663 of 2022

M.DHANDAPANI,J.

Sji

Crl.O.P.(MD) No.15663 of 2022

18.03.2024