



WEB COPY



Crl.O.P.(MD)No.20339 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

**Crl.O.P.(MD) No.20339 of 2022 and**  
**Crl.M.P.(MD).Nos.14092 and 14093 of 2022**

Jasmine @ Daisy

... Petitioner

Vs.

1.Sherin Roopa Nancy

2.Minor Natalie Jovena

(Minor represented through her mother/1<sup>st</sup> respondent herein)

...Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the case in D.V.C.No.56 of 2022 on the file of the learned Additional Mahila Judge, Thiruchirappalli and quash the same insofar as the petitioner is concerned by allowing this Criminal Original Petition.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondents : Service awaited



**ORDER**

WEB COPY

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 petitioner.

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 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.



Crl.O.P.(MD)No.20339 of 2022

4. In view of the decision rendered by the Full Bench of this Court, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

5. At this juncture, the learned counsel appearing for the petitioner submitted that this Court may consider dispensing with the personal appearance of the petitioner before the court below.

6. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for her appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct her appearance on those days.

**14.03.2024**

Index : Yes/No  
Internet : Yes/No  
NCC : Yes/No  
ssb



WEB COPY



Crl.O.P.(MD)No.20339 of 2022

**M.DHANDAPANI. J.**

ssb

To

The learned Additional Mahila Judge, Tiruchirappalli.

**Crl.O.P.(MD)No.20339 of 2022**

**14.03.2024**