



CRL RC NO. 191 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC NO. 191 of 2023

JAYAKUMARI

W/o.Pandikannan, No.15/5,
Bharathidasan Street,
Nehru Nagar, Check Post, Velacherry,
Chennai - 600 042.

Petitioner

Vs

B.Pandikannan
S/o.Balakrishnan, Plot No.11, Door No.2/405,
Hosur Valley, Phase II, Behind
Samathuvapuram, Bagalor Road, Nallur Post,
Hosur - 635 103. now residing at
s/o.Balakrishnan, LIG 481 OLD ASTC,
Hudco, Hosur.

Respondent

PRAYER: Petition filed under Section 397 read with 401 of Cr.P.C., 1973 as amended, to call for the entire records of M.C.No.43 of 2014 on the file of IX Metropolitan Magistrate, Saidapet and to set aside the order dated 17.10.2022 passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai in M.C.No.43 of 2014.

For Petitioner: M/s.T.S.Kani

For Respondent: Mr.R.Marudhachalamurthy



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ORDER

This Criminal Revision Petition has been filed to call for the entire records of M.C.No.43 of 2014 on the file of IX Metropolitan Magistrate, Saidapet, Chennai and to set aside the order dated 17.10.2022 passed in M.C.No.43 of 2014 by the learned IX Metropolitan Magistrate, Saidapet, Chennai.

2. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent and perused the materials available on record.

3. The petitioner/wife had filed a petition in M.C.No.43 of 2014 under Section 12(1) of the Protection of Women from Domestic Violence Act, 2005, on the file of the IX Metropolitan Magistrate Judge, Saidapet, Chennai. The learned Metropolitan Magistrate, vide order dated 17.10.2022 dismissed the said petition. Aggrieved by the same, the petitioner/wife has filed this criminal revision petition.



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4. Section 29 of the Protection of Women from Domestic Violence Act, 2005 is very clear indicating that appeal shall lie to the Court of Sessions. Statutory remedy is available to the petitioner as per the said Domestic Violence Act. Instead of invoking statutory appellate remedy, the petitioner/wife has filed this criminal revision petition. Hence the Revision Petition is not maintainable before this Court.

5. Registry is directed to transmit the entire records of this Criminal Revision Petition to the Chief Judge, Small Causes Court, Chennai. The learned Judge is directed to take the present revision as appeal on their file. Since the revision petition is pending before this Court from 2023, the Chief Judge, Small Causes Court, Chennai is directed to give opportunity to both the parties and dispose of the matter in accordance with law, as early as possible. Both the parties are directed to extend their fullest co-operation for the early disposal of the case. Further, both the parties are also directed to appear before the Chief Judge, Small Causes Court, Chennai on 25.03.2025.



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6. With the abovesaid directions, this Criminal Revision Petition

is dismissed as not maintainable before this Court.

10-03-2025

mfa

Index: Yes/No

Speaking order: Yes/No

Internet: Yes

Neutral Citation: Yes/No

Note: (i) Registry is directed to send back the entire records etc., immediately forthwith to the file of the Chief Judge, Small Causes Court, Chennai.

(ii) Issue order copy on 13.03.2025.

To

1. The Chief Judge, Small Causes Court, Chennai.
2. The IX Metropolitan Magistrate, Saidapet, Chennai
3. The Section Officer, Criminal Section, High Court, Chennai.



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P.VELMURUGAN, J

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