

Crl.O.P.(MD)No.11680 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.11680 of 2025

and

Crl.M.P(MD)No. 8866 and 8867 of 2025

Densingh Samuelraj

... Petitioner

Vs.

Laila Banu

... Respondent

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records in proceedings in D.V.C.No.2 of 2024 on the file of the Judicial Magistrate, Shenkottai and quash the same as against this petitioner alone.

For Petitioner

: Mr.S.Muniyandi

ORDER

This criminal original petition has been filed to quash the proceedings in D.V.C.No.2 of 2024 on the file of the learned Judicial Magistrate, Shenkottai.

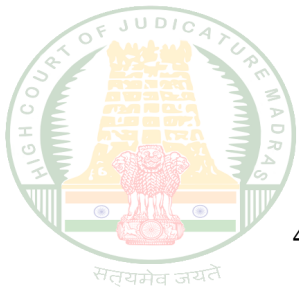


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2.The case of the prosecution is that the respondent got married to the petitioner on 09.12.2018. During the time of marriage, the respondent has given 23 sovereigns of gold jewels and other sridhana articles worth about Rs. 25,000/-. Out of marriage, they were blessed with one male child, namely, Sarvajith. Thereafter, the petitioner started to harass the respondent by demanding additional dowry. Therefore, the respondent filed a domestic violence case in D.V.C.No.2 of 2024 before the learned Judicial Magistrate, Shenkottai. Challenging the same, the petitioner filed the present petition.

3.The learned counsel appearing for the petitioner submits that the respondent has filed this petition only for harassing the petitioner and there is no material available as against the petitioner and his family members in order to proceed the case. He further submits that to file a petition under Domestic Violence Act, the learned Judicial Magistrate should receive the Domestic Incident Report from the Protection Officer and thereafter, the Magistrate has to proceed the case further. But in the present case, the said procedure has not been followed by the trial Court. Apart from the above contentions, the petitioner has also raised several grounds in this petition. Accordingly, he prays to quash the impugned proceedings.



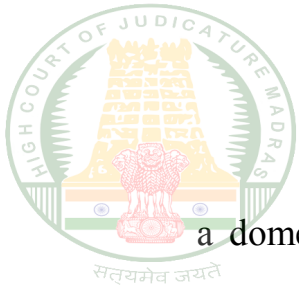
4.The learned Government Advocate (Crl.side) appearing for the first respondent submits that the grounds raised by the petitioner have to be appreciated only before the trial Court during the course of trial. Accordingly, he prays to dismiss the present petition.

5.This Court considered the rival submissions made on either side and perused the materials available in the records.

6.As rightly pointed out by the learned Government Advocate(Crl.side), the grounds raised in the present petition have to be appreciated only during the course of trial. Therefore, this Court is not inclined to entertain this petition. Accordingly, this criminal original petition is dismissed with liberty to the petitioner to raise all these grounds before the trial Court. Consequently, connected miscellaneous petitions are closed.

7. At this juncture, the learned counsel for the petitioner submitted that the petitioner is working in Chennai and that it would be difficult for him to appear before the trial Court on every hearing date. Hence, the personal appearance of the petitioner before the trial Court may be dispensed with.

8.Considering the above fact and also considering the fact that it is only



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a domestic violence proceedings, the personal appearance of the petitioner before the learned Judicial Magistrate, Shenkottai in D.V.C.No.2 of 2024, is dispensed with. However, it is needless to state that the petitioner should appear before the trial Court as and when his presence is required.

11.07.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
cp

To

- 1.The Judicial Magistrate, Shenkottai.
- 2.The Sub Inspector of Police,
AWPS, Nanguneri Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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