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CrI.OP.No.3882 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.OP.No.3882 of 2026

M.Vijaya Babu

...Petitioner

Vs.

M.Guna Sri @ Divya

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023, seeking to direct the learned Additional District Munsif-cum-Judicial Magistrate, Ambur, Tirupathur District to dispose of CrI.M.P.No.1190 of 2025 in DVC.No.5 of 2018, within time frame fixed by this Hon'ble Court.

For Petitioner : Mr.K.T.S.Sivakumar

ORDER

This criminal original petition has been filed seeking expeditious disposal of the petition filed by the petitioner under Section 25(2) of the Protection of Women from Domestic Violence Act in CrI.M.P.No.1190 of 2025 in DVC.No.5 of 2018, pending on the file of the Additional District



CrI.OP.No.3882 of 2026

Munsif-cum-Judicial Magistrate Court, Ambur, Tirupathur District, within a stipulated time.

2 Learned counsel for the petitioner made the following submissions:

2.1 The respondent herein is the wife of the petitioner and their marriage was solemnised on 20.08.2012 and due to some matrimonial dispute, the respondent left the matrimonial house within a period of one month from the date of their marriage and she subsequently filed a false complaint as against the petitioner and his family members.

2.2 Hence, the petitioner filed a divorce petition in HMOP.No.108 of 2018 before the Subordinate Court, Vaniyambadi and the same was subsequently transferred to the file of the Subordinate Court, Ambur and re-numbered as HMOP.No.4 of 2023 and the same is pending.

2.3 As a counter blast, the petitioner filed a Domestic Violence case against the petitioner and his family members in DVC.No.5 of 2018 before the Judicial Magistrate Court, Ambur. While so, due to COVID-19 pandemic, as the petitioner and his family members were unable to appear before the Judicial Magistrate Court, Ambur, they were set *ex parte* and the learned Magistrate, vide order dated 22.01.2021, directed the petitioner



CrI.OP.No.3882 of 2026

herein to pay a sum of Rs.5,000/- towards monthly maintenance and Rs.1,00,000/- towards compensation in favour of the respondent besides directing the petitioner to return the 10 sovereign gold jewels to the respondent, within two months from the date of the said order, without considering the fact that the respondent is capable of maintaining herself and that she has married one Bharath, without obtaining necessary orders of the competent Court nullifying the marriage with the petitioner herein and hence, she is not entitled to any compensation or monthly maintenance at the hands of the petitioner.

2.4 Therefore, the petitioner filed a petition under Section 25(2) *ibid.* in CrI.M.P.No.1190 of 2025 in DVC.No.5 of 2018, seeking to set aside the *ex parte* order dated 22.01.2021 passed in DVC.No.5 of 2018. However, till date, no orders have been passed by the learned Additional District Munsif-cum-Judicial Magistrate, Ambur, Tirupathur District in the said petition.

3. This Court gave its careful consideration to the arguments advanced by the learned counsel for the petitioner and perused the materials available on record.



Crl.OP.No.3882 of 2026

WEB COPY

4. Given the fact that the order under challenge in Crl.M.P.No.1190 of 2025 is *ex parte* in nature and also considering the limited scope of the relief sought in the instant petition, this Court directs the learned Additional District Munsif-cum-Judicial Magistrate, Ambur, Tirupathur District, to dispose of the case in Crl.M.P.No.1190 of 2025 in DVC.No.5 of 2018, as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order.

5. With the above direction, this criminal original petition stands disposed of.

17.02.2026

skt

NCC : Yes/No

To:

The Additional District Munsif-cum-Judicial Magistrate,
Ambur, Tirupathur District.



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CrI.OP.No.3882 of 2026

A.D.JAGADISH CHANDIRA, J.

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CrI.OP.No.3882 of 2026

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