

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-01-2015

Coram

THE HONOURABLE MR. JUSTICE R.S. RAMANATHAN

CrI.O.P. No. 30913 of 2014
and
M.P. Nos. 1 and 2 of 2014

1. A. Senthamizhselvan
2. A. Manivannan
3. A. Chandrasekar

... Petitioners

Versus

1. S. Kavitha
2. Master. S. Mouri Rithish (Minor)
represented by his mother
S. Kavitha

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and quash the proceedings as against the petitioners pending in DVOP No. 69 of 2014 on the file of the Judicial Magistrate, Additional Mahila Court (Magisterial Level), Salem.

For Petitioners : Mr. C. Arunkumar
For Respondents : Mr. D. Velu

ORDER

The respondents 3 to 5 in DVOP No. 69 of 2014 on the file of the learned Judicial Magistrate, Additional Mahila Court, Salem are the petitioners in this case. The first respondent herein has filed the above DVOP No. 69 of 2014 under Section 12 of the Protection of Women from Domestic Violence Act seeking to proceed against the respondents therein for having committed the alleged offences punishable under Sections 17, 18, 19, 20 and 23 of the said Act.

2. The learned counsel appearing for the petitioners would submit that the petitioners are the brothers-in-law of the first respondent herein. The petitioners have never instigated the husband of the first respondent herein to allegedly cause matrimonial cruelty on her. The petitioners have never interfered with the matrimonial life of the first respondent with her husband. Therefore, it is submitted that the proceedings pending against the petitioners before the learned Judicial Magistrate, Salem are liable to be quashed. As

directed by this Court, the petitioners have also filed separate affidavit of undertaking before this Court. In all the affidavits, it is stated that the respective petitioner will not interfere with the matrimonial life of the first respondent herein or in any manner disturb her matrimonial life.

3. The learned counsel for the respondents was served with the copies of the affidavits filed by the respective petitioners herein. The learned counsel for the respondents submit that though no relief was sought for against the petitioners herein, still, there are allegations made against them for having committed the offence of cruelty to the first respondent either directly or indirectly.

4. I heard the counsel for both sides and gone through the entire materials placed on record. A perusal of the Petition filed by the first respondent in DVOP No. 69 of 2014 would indicate that there was no specific averments made against the petitioners herein, who are brothers-in-law of the first respondent herein. As directed by this Court, the petitioners have also filed affidavits specifically undertaking that they will not interfere with the matrimonial life between the first respondent herein and her husband A. Senthil Kumar. Therefore, having regard to the affidavit filed by the petitioners and the fact that no specific relief has been sought for against the petitioners in DVOP No. 69 of 2014, I am of the view that the proceedings in DVOP No. 69 of 2014 has to be quashed in so far as the petitioners are concerned.

5. Accordingly, the Criminal Original Petition is allowed and the proceedings in D.V.O.P. No. 69 of 2014 on the file of the learned Judicial Magistrate, Additional Mahila Court, Salem stands quashed in so far as the petitioners are concerned. The learned Judicial Magistrate, Additional Mahila Court, Salem is directed to proceed with the DVOP No. 69 of 2014 as against the other accused and dispose it of in accordance with law as expeditiously as possible. Consequently, connected miscellaneous petitions are closed.

rsh

-s/d-

Deputy Registrar(J)

Dt:13/2/2015

True Copy

Sub-Assistant Registrar

To

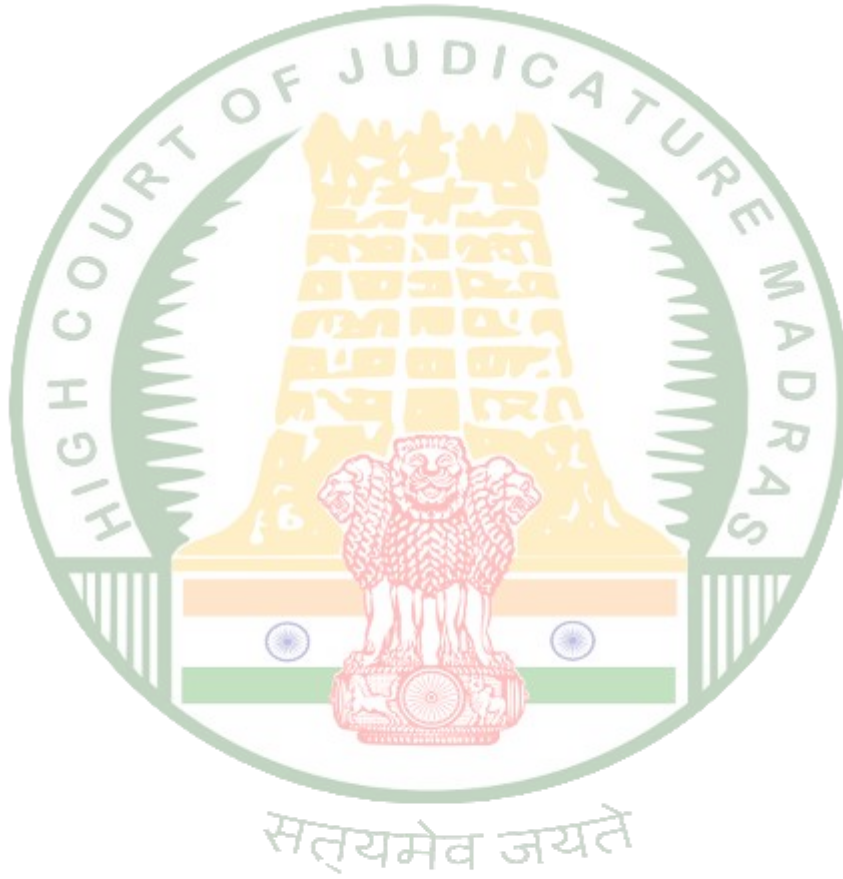
1. The Judicial Magistrate,
Additional Mahila Court,
Magisterial Level, Salem-1

+ 2 ccs to Mr.C.Arun Kumar, Advocate SR 4418

+ 1 cc to Mr.D.Velu, Advocate SR 4901

nm(co)
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Crl.OP No. 30913 of 2014



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