

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.7923 of 2014

and

M.P.Nos. 1 & 3 of 2014

1. Sheik Ibrahim Ismail

2. Sheik Amanullah

...Petitioners

Vs

I.Kousar Nisha

...Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to C.C.No.7225/2013 on the file of the learned V Metropolitan Magistrate, Egmore at Chennai and quash the same as against the petitioners.

For Petitioners : Mr.M.Dhamodhara Krishnan

For Respondent : Mrs. Sheikh Menarunisa

ORDER

This petition has been filed to call for the records in C.C.No.7225/2013 on the file of the V Metropolitan Magistrate, Egmore, Chennai and to quash the same.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

3.It is seen that the petitioner got married to Sadiq Ali on 08.11.2009 and they have one child through the wedlock. It appears that the parties had irreconcilable differences and they are now estranged. Therefore, the respondent initiated Domestic Violence Act proceedings against the petitioners and her husband Sadiq Ali and mother-in-law, Chotti Bee. The petitioners are father-in-law and brother-in-law of the respondent.

4.

4. On a complete reading of the complaint given by the respondent before the trial court, this court finds that there are no serious allegations as against Sheik Amanullah, the second petitioner herein.

5. Hence, the proceedings in C.C.No.7225 of 2013 is quashed as against Sheik Amanullah, the second petitioner herein. As regards Sheik Ibrahim Ismail, the first petitioner herein, there are sufficient allegations for the proceedings to proceed. Hence, this petition is dismissed as regards Sheik Ibrahim Ismail, the first petitioner. The trial court is directed to proceed with the enquiry in C.C.No.225/2013 expeditiously as the respondent is living with her child in penury. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mrp

To

1.The V Metropolitan Magistrate,
Egmore, Chennai.

2.-Do- Through The Chief Metropolitan Magistrate,
Egmore, Chennai.

1 CC to Mr.M.Dhamodhara Krishnan, Advocate SR.No. 29035

1 CC to Mrs. Sheikh Menarunisa, Advocate SR.No. 28199

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KK (CO)
PSI (23.06.2015)