

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 05.06.2015

Delivered on : 11.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.32492 of 2014
and M.P.Nos.1,2 of 2014 and 1 of 2015

Kasthuri

... Petitioner

Versus

K.Soorya

... Respondent

Criminal Original petition filed under Section 482 of the Criminal Procedure Code praying to call for the records in M.C.No.40 of 2014 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the proceedings therein.

For Petitioner : Mr.V.V.Sairam
For Respondent : Mr.E.Vinoth Kumar

O R D E R

This Criminal Original Petition has been filed praying to call for the records in M.C.No.40 of 2014 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and to quash the same.

2. For the sake of convenience, the parties will be referred to by their name. Kasthuri is the mother of Durai Murugan who got married to Soorya on 22.05.2013. Their marriage ran into rough weather since the spouses were not able to patch up their differences.

3. Durai Murugan filed a petition in FCOP.No.946 of 2013 before the Family Court for divorce and immediately on receipt of notice from the Family Court, Soorya lodged the complaint on 11.12.2013 before the Protection Officer under the Domestic Violence Act and followed it up with filing a petition under the said Act against Durai Murugan, his father Rajagopal and mother Kasthuri. It is admitted by both sides, that Rajagopal the father of Durai Murugan died after receipt of summons from the Court and now Kasthuri the mother has approached this Court to quash the proceedings.

4. Learned counsel for Soorya submitted that there are sufficient grounds for the Trial Court to proceed against Kasthuri and that there are allegations of cruelty inflicted by her.

5. This Court carefully perused the records especially the complaint which was lodged by Soorya to the Protection Officer on 11.12.2013. On a complete reading of the complaint, Soorya has made most of the allegations against her husband Durai Murugan and incidentally she has alleged that his parents also inflicted cruelty on her. It is stated by Soorya that her husband Durai Murugan had even sent a notice dated 22.10.2013 asking for reunion and thereafter, he has filed divorce proceedings. On a conspectus of the facts of the case, this Court finds that there are no sufficient materials for proceeding against Kasthuri under the D.V Act.

6. In the result, this petition is allowed and the proceedings as against Kasthuri in M.C.No.40 of 2014 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

gya

To
The XVII Metropolitan Magistrate, Saidapet, Chennai.

2 cc to Mr.V.V.Saram , Advocate Sr.No.29070 & 27297
1 cc to Mr. E.Vinoth Kumar, Advocate Sr.No.28170

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