

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

CrI.O.P.No.3256 of 2015  
and  
M.P.Nos.1 and 2 of 2015

1. Mr.Padamchand Lodha  
2. Mrs.Kanchana Devi Lodha  
3. Mr.Dulichand Lodha

...Petitioners

vs.

Mr.Mamta Narpat

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for records pertaining to the case in C.C.No.16 of 2014, filed under the Domestic Violence Act on the file of VIII Metropolitan Magistrate, George Town, Chennai, and to quash the same insofar as petitioners are concerned.

For Petitioners: Mr.S.Thiruvengadam

O R D E R

This petition is filed to quash the proceedings in C.C.No.16 of 2014, on the file of VIII Metropolitan Magistrate, George Town, insofar as the petitioners are concerned.

2. It is submitted by the learned counsel appearing for petitioners that petitioners are arrayed as respondents 2 to 4 in the aforesaid case filed by the respondent herein under the provisions of Protection of Women from Domestic Violence Act, 2005. It is submitted by the learned counsel that, no allegations were made against the petitioners to warrant action against them under the said Act, and therefore, the present Petition is liable to be allowed and the case in C.C.No.16 of 2014, has to be quashed. It is his further submission that the petitioners herein are father-in-law, mother-in-law and brother-in-law of the respondent respectively, and no allegations were made against them to warrant action under the provisions of the said Act.

3. I am unable to accept the contentions of the learned counsel for petitioners. In the prayer, the respondent herein has prayed for residence order under Section 19 of the said Act. In the complaint, she has stated that, she is residing at Audiappa

Naicker Street, and the petitioners 1 and 2, viz., her parents-in-law were behaving in a manner, affecting her privacy. They were also not providing her money and she has also stated that her jewels were retained by them. The learned Magistrate, on being satisfied with the fact that offence had taken place, passed the residence order under Section 19 of the Act, and according to me, prima facie allegations are made in para Nos. 10 to 12, to pass such order under Section 19 of the said Act. Hence, it cannot be stated that no allegations were made against the petitioners. Therefore, the proceedings initiated by the respondent in C.C.No.16 of 2014, cannot be quashed at this stage and it is for the respondent to prove the allegations during trial and if the respondent was not able to prove the allegations levelled against the petitioners, then, the petitioners are entitled to get an order of acquittal in their favour.

4. In the result, the Criminal Original Petition is dismissed. Consequently, connected M.Ps are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sd

To

1. The VIII Metropolitan Magistrate, George Town, Chennai.
2. -do- Through The Chief Metropolitan magistrate, Chennai.

+ 1 cc to MR.S. Thiruvengadam, Advocate SR.8002

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