



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2015

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

CRL.O.P.(MD)No.22083 of 2015
and M.P.(MD)Nos.1 and 2 of 2015

1.Rajalakshmi
2.Karthikeyan
3.Subramani @ Gandhi

... Petitioners

Vs.

The State of Tamilnadu Rep.by its
1.The Deputy Superintendent of Police,
Thiruvadanai Sub Division.

2.The Sub Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

3.Kaliammal

... Respondents

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in P.R.C.No.13 of 2015 on the file of the District Munsif cum Judicial Magistrate, Thiruvadanai and quash the same.

For Petitioners : Mr.K.Swaminathan
For Respondents : Mrs.S.Prabha, G.A.(Crl.side)

O R D E R

This petition has been filed praying to quash the proceedings in P.R.C.No.13 of 2015 on the file of the District Munsif cum Judicial Magistrate, Thiruvadanai.

2.When the matter was taken up, the learned counsel for the petitioners submitted that the petitioners are not responsible in a proceedings under the Protection of Women from Domestic Violence Act, however, they are being dragged on to the Court.

3.I have heard the learned counsel appearing on either side and perused the materials available on record.

4.In view of the judgment of the Hon'ble Supreme Court in *HMT Watches Ltd., Vs. M.A.Abida and another* reported in 2015(2) CTC 446, quashing of criminal complaint on disputed question of facts cannot be entertained and it is a matter for trial to proceed with the criminal complaints.



5. The only grievance of the petitioners is that they are unnecessarily harassed. The learned Magistrate is the competent authority to decide whether the petitioners are necessary party before him. Therefore, this Criminal Original Petition is disposed of with a direction to the learned Magistrate to decide whether the petitioners are necessary party before him before passing any orders. The Trial Court shall not adjourn the matter beyond 5 working days at any point of time and decide the same as expeditiously as possible. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

nbj

To

1. The District Munsif cum Judicial Magistrate, Thiruvadanai.

2. The Deputy Superintendent of Police,
Thiruvadanai Sub Division.

3. The Sub Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+3CC to Mr.K.Swaminathan Advocate Sr.No.66806

GJM/SKS/RR/21.12.2015-2P-8C

Crl.O.P. (MD) No.22083 of 2015

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