



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD).No.21391 of 2016

and

Crl.M.P.(MD).No.10971 of 2016

1.Senthil Kumar

2.Balamani

3.Latha

4.Suganeshwari

..Petitioners/Respondent Nos.1 to 4

Vs.

Prabha

..Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in the petitioner in D.V.O.P.No.10 of 2016 on the file of the learned Judicial Magistrate No.II, Thoothukudi, Thoothukudi District and quash the proceedings initiated against the petitioners herein on the basis of the petition filed by the respondent.

For Petitioner : Mr.A.Thiruvadikumar

ORDER

This petition is filed seeking to quash the proceedings in D.V.O.P.No.10 of 2016 on the file of the learned Judicial Magistrate No.II, Thoothukudi, Thoothukudi District.

2.Heard the learned counsel for the petitioners and perused the materials available on record.

3.The learned counsel for the petitioners would submit that the first petitioner is the husband of the respondent and the other petitioners are the mother and sisters of the first petitioner. Due to misunderstanding, the respondent filed the above said D.V.O.P.No.10 of 2016 on the file of the learned Judicial Magistrate No.II, Thoothukudi, seeking for protection, maintenance and for compensation. But, the learned Magistrate treating the said petition as a complaint, has issued summons to the petitioners. He would further submitted that the petitioners are innocent ladies and they have nothing to do with the allegations. Hence, prayed for quashing of the entire proceedings in D.V.O.P.No.10 of 2016.

4.Perused the records of the records shows that there are some prima facie material against the petitioners. Therefore, this Court is not inclined to quash the proceedings in D.V.O.P.No.10 of 2016. In



fine, the criminal original petition is dismissed. Consequently, connected Miscellaneous Petition is closed. However, personal appearance of the petitioner Nos.2 to 4 in D.V.O.P.No.10 of 2016, is dispensed with and they are directed to appear before the trial court, when their presence is required by the learned Judicial Magistrate. But the first petitioner shall appear before the Court below on all hearing dates without fail except the date on those days by filing a petition under Sections 317 Cr.P.C. by assigning valid reasons.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Judicial Magistrate No.II, Thoothukudi,
Thoothukudi District.

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

+1cc to M/s.A.Thiruvadikumar, Advocate in SR.67864

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pm

PBK/SS-3 23.11.2016 ::2P-4C: