

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.6247 of 2017
and
Crl.M.P.Nos.4630 & 4631 of 2017

1.D.Kugan
2.R.M.Dhansekaran
3.D.Vasanth
4.D.Dinesh Kumar
5.Aruna

... Petitioners

Vs.

G.Mahalakshmi

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to quash the proceedings in D.V.O.P.No.1 of 2017 on the file of the Judicial Magistrate, Tambaram.

For Petitioners : Mr.S.V.Vijay Prashanth

For Respondent : Mr.NGR.Prasad for
M/s.Row & Reddy

WEB ORDER

The prayer sought for in the present petition is to quash the proceedings in D.V.O.P.No.1 of 2017 on the file of the Judicial Magistrate, Tambaram.

2. While the first petitioner is the husband, the petitioners 2 to 5 are in-laws of the respondent herein. On a perusal of the averments made against the petitioners under the Domestic violence Act, it is seen that the grievances of the respondent seems to be more against the first petitioner, who is the husband of the respondent herein.

3. Insofar as the averments made against her in-laws namely the petitioners 2 to 5 herein, in my view, such averments may not constitute the act of Domestic Violence as defined under the Domestic Violence Act. In view of fact that the allegations in the entire complaint are against the first petitioner herein and relief is also sought for from the first petitioner, it would be appropriate to quash the proceedings insofar, as the petitioners 2 to 5 herein, who are arrayed as respondents 2 to 5 in the Domestic Violence case.

4. In the result, the case in D.V.O.P. No. 1 of 2017 on the file of the Judicial Magistrate, Tambaram, insofar as relief sought for from the petitioners 2 to 5/accused No.2 to 5 is quashed. The Trial Court has to proceed as against the first petitioner/husband in

accordance with law. The learned Judicial Magistrate shall endeavour to complete the proceedings within a period of three months from the date of receipt of a copy of this order.

5. With the above observations, the Criminal Original Petition is partly allowed.

18.12.2017

Index:Yes/No
Internet: Yes/No
nmm

Note: Issue order copy on 20.12.2017

To

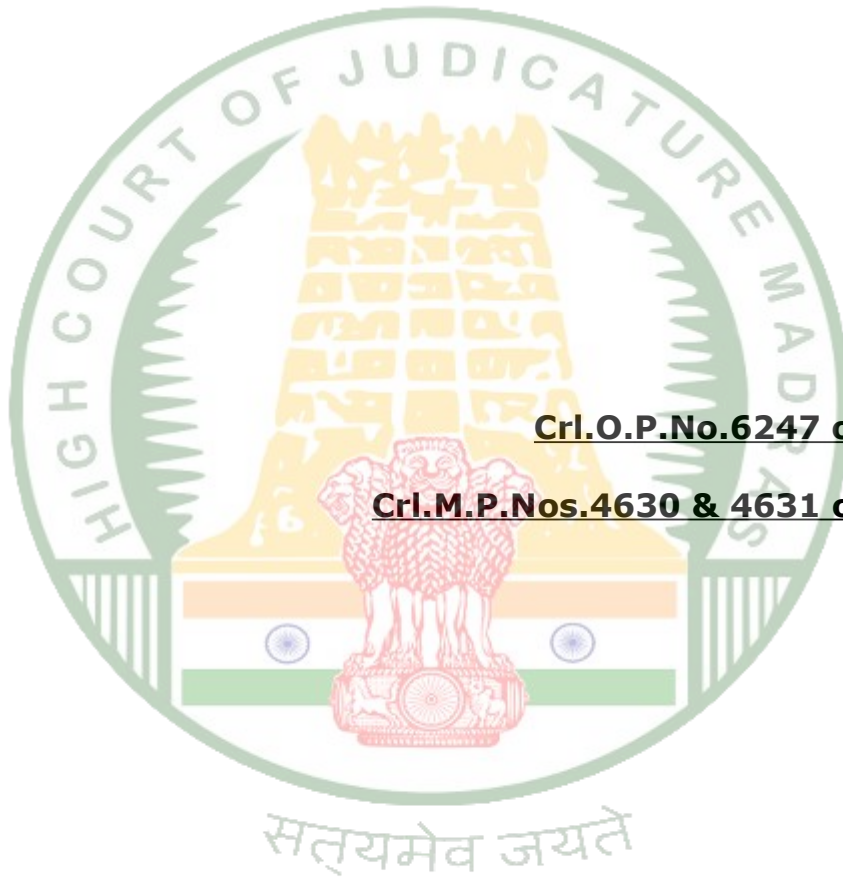
1.The Judicial Magistrate,
Tambaram.

2.The Public Prosecutor,
High Court, Madras.

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M.S.RAMESH.J,

nmm



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