

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED: 05.09.2017****CORAM:****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.6667 of 2017**  
**and Crl.M.P.No.4884 of 2017**

1.M.Jagadeesan  
2.S.Murugesan  
3.M.Subbilakshmi  
4.K.Rajesh Kumar  
5.K.Manipriya

.. Petitioners

Vs.

M.Jagadeeswari

.. Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the complaint in DVA.No.22 of 2016 on the file of the learned Judicial Magistrate No.2, Pollachi and to quash the same.

For Petitioners : Mr.D.R.Arunkumar  
For Respondent : No Appearance

**ORDER**

The first petitioner is the husband of the respondent herein. While the petitioners 2 and 3 are the father-in-law and mother-in-law of the respondent, the petitioners 4 and 5 are the respondent's sister-in-law's husband and sister-in-law respectively.

2.The brief facts of the respondent case is that she was married to the first petitioner on 01.09.2011 on Maruthamalai temple. Owing to certain misunderstandings, the respondent had left the matrimonial house on 18.01.2012 after the very short period of little over four months. Subsequently, the jewelleries and the personal belongings of the respondent was returned to her through All Women Police Station, Pollachi and efforts taken for reunion failed, into which, the first petitioner had filed a petition in HMOP.No.108 of 2012 before the Sub Court, Pollachi. After about five years, the respondent herein had invoked the provisions of Domestic Violence Act and filed the present petition against the petitioners. According to the petitioners, they are no way involved in the allegations levelled against them and the respondent initiated the present petition only to wreck vengeance on her husband and hence, the proceedings in D.V.A.No.22 of 2016 on the file of the learned Judicial Magistrate No.II, Pollachi are liable to be quashed.

3.Heard the learned counsel for the petitioners. Though notice has been served on the respondent and her name is printed in the cause list today, none appears on her behalf.

4.It is seen that the respondent herein had a very brief matrimonial life with her husband of about four months. Subsequently, since the reconciliation efforts failed, the first petitioner had initiated divorce proceedings in HMOP.No.108 of 2012 before the learned Sub-ordinate Judge, Pollachi in the month of August 2012. The respondent herein had also filed her counter in the aforesaid proceedings on 21.11.2014. While that being so, after about five years, the respondent had chosen to initiate proceedings under Domestic Violence Act in D.V.A.No.22 of 2016.

5.On a perusal of the petition filed under Domestic Violence Act, it is seen that the averments made by the respondent against the petitioners herein are baseless since the matrimonial life subsisted just for about four months. Further, the divorce proceedings were pending for more than four years and the proceedings under Domestic Violence Act were initiated with the allegations which were not pleaded in the counter statement filed by her in the divorce proceedings. Since the respondent herein had chosen to implicate all her in-laws and particularly, the petitioners 4 &5 who had not resided with her during her short matrimonial life, I

am of the view that the respondent had filed the present petition as a counter blast to the divorce proceedings initiated by her husband. The nature in which the Domestic Violence Act has been invoked casts a serious doubt and the same has been filed for taking vengeance on her husband. Above all, the delay of more than four years in initiating the proceedings under the Domestic Violence Act with the averments not pleaded in her counter affidavit filed in the divorce proceedings supports her intention. While that being so, I do not find any justification for making the petitioners to undergo an ordeal of trial proceedings in the case under Domestic Violence Act.

6.In the result, the Criminal Original Petition stands allowed. Consequently, the proceedings in DVA.No.22 of 2016 on the file of the learned Judicial Magistrate No.II, Pollachi is quashed. Consequently, connected Miscellaneous Petition is closed.

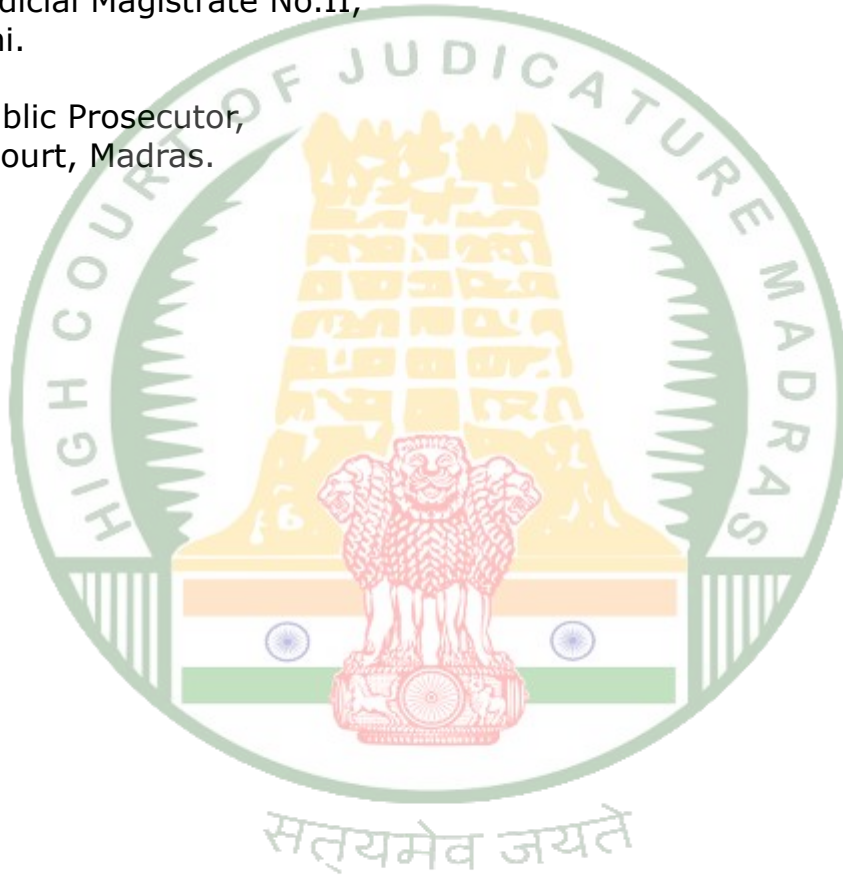
05.09.2017

Index:Yes/No  
DP

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To

- 1.The Judicial Magistrate No.II,  
Pollachi.
- 2.The Public Prosecutor,  
High Court, Madras.

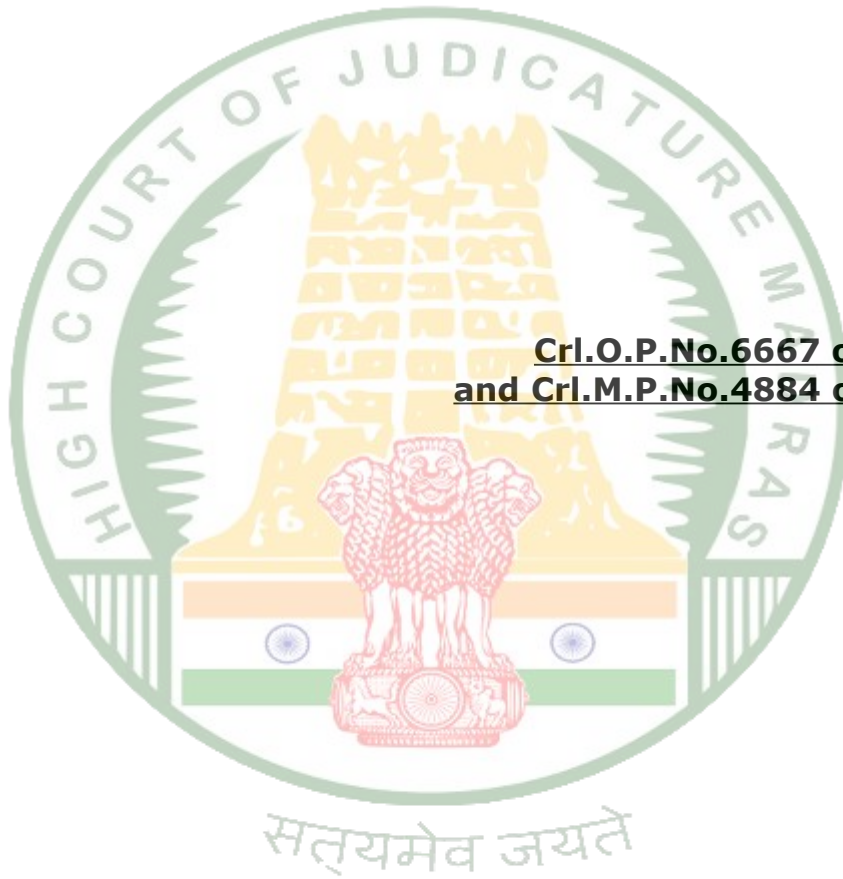


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**M.S.RAMESH.J,**

DP



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