

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.17490 of 2015 &

Crl.M.P.Nos.1 & 2 of 2015

R. Vijayakumar ... Petitioner

Vs

U. Nivetha ... Respondent

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in D.V.A.No.13 of 2015 on the file of the Judicial Magistrate No.III, Coimbatore, quash the proceedings therein as far as the petitioner is concerned.

For Petitioner : Mr.C.S.Dhanasekaran

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to call for the records in D.V.A.No.13 of 2015 on the file of the learned Judicial Magistrate No.III, Coimbatore and quash the same.

2. The petitioner is the maternal uncle of the respondent herein. The

only averments made by the respondent in the proceedings filed under

Domestic Violence Act is that, on 12.05.2015, the petitioner herein had accompanied the respondent's husband along with her father-in-law and took away her child. The respondent herein had sought for orders of prohibition and custody of child along with compensation.

3. Insofar as the averments made against the petitioner is concerned, I am of the view that the respondent has not made out a case as against him for the purpose of correlating the cause of action with the relief sought for.

4. On a total perusal of the complaint, it is seen that the main grievance of the complainant is as against her husband and in my view, the petitioner who is the maternal uncle has been unnecessarily implicated. While that being so, the petitioner need not undergo the ordeal of facing the proceedings.

5. In the result, the Criminal Original Petition stands allowed. The proceedings in D.V.A.No.13 of 2015 on the file of the learned Judicial Magistrate-III, Coimbatore insofar as the petitioner is concerned stands quashed. Consequently, connected miscellaneous petitions are closed.

05.10.2017

Index:Yes

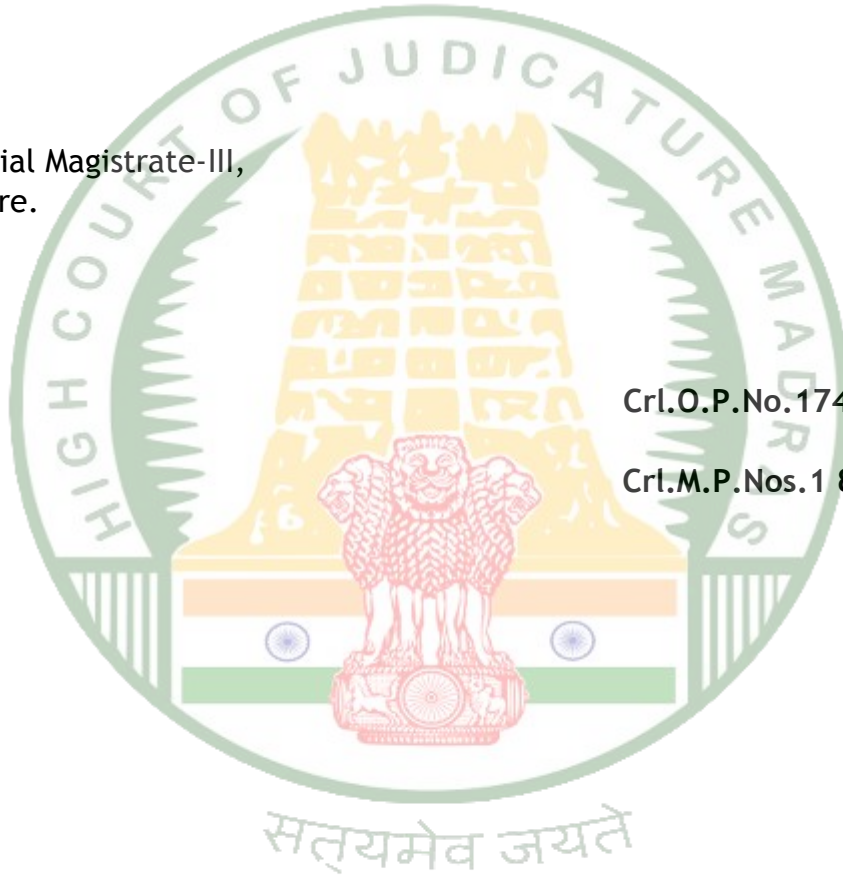
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M.S.RAMESH.J,

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To

The Judicial Magistrate-III,
Coimbatore.



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and
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