

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2017

C O R A M

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CrI.O.P.Nos.5769 & 6032 of 2012
and M.P.Nos.1, 1, 2 and 2 of 2012

R.Brindha Bagavathi,
W/o.Raja Rajendran

...Petitioner/Respondent-10 in
CrI.O.P.No.5769/2012

1.Krishnasamy Chettiar
S/o.Ramasamy Chettiar.

2.Rajammal
W/o.Krishnasamy Chettiar

3.Mani Sekar
S/o.Krishna Samy Chettiar

4.Prema
W/o.Manisekar

5.Vasantha Kumar
S/o.Krishnasamy Chettiar

6.Mallika
W/o.Vasantha Kumar

7.Parameswaran
S/o.Krishnasamy Chettiar

8.Guna Chithra
W/o.Parameswaran

.. Petitioners in
CrI.O.P.No.6032/2012

WEB COPY
-vs-

R.Bhuvana,
W/o.Ravichandran

.. Respondent in both
CrI.O.Ps'

Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure to call for records of the case in M.C.No.1 of 2012 on the file of Judicial Magistrate II, Gopichettipalayam and quash the same.

For Petitioner : Mr.K.V.Sridharan
(In both Crl.O.Ps')

For Respondent : Mr.A.Ilangovan,
Legal Aid Counsel

COMMON ORDER

Petitioners seek quash of proceedings in M.C.No.1 of 2012 on the file of Judicial Magistrate II, Gopichettipalayam.

2. The respondent has sought relief under Section 12 of the Protection of Women from Harassment Act in the said proceedings. In her application, she has arrayed her husband and nine other persons of his family as respondents. The said nine others have preferred the present petitions.

3. Petitioners in Crl.O.P.No.6032 of 2012 are the father of the husband, his brothers and their wives. The first petitioner in Crl.O.P.No.6032 of 2012, who is the father of the husband, is no more. Petitioner in Crl.O.P.No.5769 of 2012 is the step sister of the husband.

4. Learned counsel for petitioner submitted that respondent/wife and her husband, who is not before this Court, had resided separately. Except for seeking return of Sridhana articles, the other reliefs prayed for by the respondent were to be sought only from the husband. There is no material to inform that the articles were entrusted to the petitioners. On mere generalisations and accusations of wrong doing against the petitioners, the entire family of the husband have been falsely implicated.

5. Learned counsel for respondent submitted that the marriage took place on 0.08.2014 and within one week all petitioners had started making demands. The respondent had been severely ill-treated and eventually thrown out from the matrimonial home on 28.01.2010. Efforts at Mediation and Conciliation had failed. As the petitioners refused to take her back into the matrimonial home, the respondent has to take care of the mentally retarded son, now aged 12 years. The

proceedings before the Court below had been stayed owing to the petitioners having obtained an order of stay upon filing the present petitions.

6. Learned counsel for petitioners submits that the only accusation with regard to the petitioner in Crl.O.P.No.5769 of 2012 , who is the step sister of the husband, is that when she visited, the respondent/complainant objected and owing thereto was abused.

7. This Court is of the view that the present is a one more case where all family members are wrongly implicated and sought to be proceeded against. As submitted by learned counsel for petitioners excepting seeking return of Sridhana articles, none of the other reliefs are enforceable against the petitioners. There are no specifications of what was entrusted to the petitioners and when. A mere bald accusations, the petitioners stand arrayed as respondents. Even the petitioner in Crl.O.P.No.5769 of 2012, the step sister of the husband, has not been spared. This Court has no hesitation in allowing the present petitions and accordingly, these petitions shall stand allowed and the proceedings in M.C.No.1 of 2012 on the file of Judicial Magistrate II, Gopichettipalayam shall stand quashed insofar as petitioners are concerned. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsm

To

The Judicial Magistrate II, Gopichettipalayam.

+1cc to M/s.K.V.Sridharan, Advocate for the petitioner
S.R.No.25879

+2cc to M/s.A.Ilangovan, Advocate for the Respondent S.R.No.25764

Crl.O.P.No.5769 & 6032 of 2012

KJ(CO)
CU(10/07/2017)