

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.4522 of 2015

and

M.P.Nos.1 and 2 of 2015

1. Duraisamy

2. Shanthi

3. D.Karthik

.. Petitioners

Vs.

1. Vanathi

2. Minor Naren
S/o.Ganesh

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the proceedings as against the petitioner in D.V.C.No.148 of 2013 on the file of the Judicial Magistrate, Additional Mahila Court, Salem, Salem District.

For Petitioners : Mr.S.Sairaman

For Respondents : Mr.A.M.Rajan

ORDER

This criminal original petition has been filed to call for the records and quash the proceedings as against the petitioner in D.V.C.No.148 of 2013 on the file of the Judicial Magistrate, Additional Mahila Court, Salem, Salem District.

2. Heard Mr.S.Sairaman, learned counsel appearing for the petitioner and Mr.A.M.Rajan, learned counsel appearing for the respondents.

3. From the averments made in the petition filed by the first respondent under the Domestic Violence Act, it is seen that no averments has been made as against the third petitioner, who is brother-in-law of the first respondent. Further more, the first respondent has already lodged a criminal complaint against her husband, father-in-law, mother-in-law and brother-in-law, which has culminated into C.C.No.74 of 2014 for the offences under

Sections 498-A, 506(ii) IPC and Section 4 of Dowry Prohibition Act. On the same set of allegations, the first respondent has also initiated this proceedings against her father-in-law, mother-in-law and brother-in-law seeking various reliefs under the Domestic Violence Act.

4. I am of the view that since no specific allegations have been made against the third petitioner herein, who is brother-in-law, the proceedings need not continue as against him. Accordingly, the proceedings in D.V.No.148 of 2012, in so far as the third petitioner, namely D.Karthik is concerned standS quashed. In so far as the first and second petitioners, who are father-in-law and mother-in-law of the first petitioner are concerned, they have already been implicated for criminal offence and have been appearing before the criminal Court in connection with the complaint on the same set of acts. In view of the same, it would not be appropriate to make the petitioners 1 and 2 to appear before the learned Judicial Magistrate, Additional Mahila court, Salem and their appearance before the Court below is dispensed with, except for such hearings where the presence of these petitioners may be personally required.

5. With the above observations, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

20.09.2017

Index:Yes/no
Internet:yes/no
mrp

To

The learned Judicial Magistrate,
Additional Mahila Court,
Salem



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M.S.RAMESH.J,

mrp



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