

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM:

THE HON'BLE Mr.JUSTICE C.T. SELVAM

Crl.O.P.No.32770 of 2013

and

MP Nos.1 & 2 of 2013

1.Rajasekaran
2.Ramalingam
3.Sundarambal

..Petitioners/Respondents 1 to 3

Vs.

S.Sumitha

.. Respondent/Petitioner

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the case in C.M.P.No.5685/2013 on the file of the Judicial Magistrate Court No.III, Erode & District and quash the same.

For Petitioner : Mr.I.C.Vasudevan

For Respondent : Mr.M.Guruprasad

O R D E R

There are 3 petitioners viz., husband, his father and mother who are the respondents in case pending in C.M.P.No.5685 of 2013 on the file of the Judicial Magistrate Court No.III, Erode, alleging offences under the protection of women from Domestic Violence Act, 2005, such complaint having been preferred by the respondent/wife.

2. Heard learned counsel for petitioners and learned counsel for respondent.

3. Learned counsel for petitioners restricts this petition seeking quash of proceedings only to parents/petitioners 2 and 3. Insofar as the 1st petitioner is concerned, learned counsel for petitioners seeks permission to withdraw this petition and has also made an endorsement to such effect.

4. Accordingly, this petition is dismissed as withdrawn

insofar as the 1st petitioner is concerned.

5. As rightly submitted, all reliefs someone sought by respondent are against first petitioner/husband. The only relief sought against petitioners 2 and 3/mother-in-law and father-in-law of the respondent, is for protection. A reading of the complaint reveals that most bald and vague averments are made against these petitioners. It would be unjust to require petitioners 2 and 3 to face prosecution. It is admitted case that the first petitioner and respondent since marriage, had lived separately.

6. In the circumstances, this petition is partly allowed and the proceedings in C.M.P.No.5685 of 2013 on the file of the Judicial Magistrate Court No.III, Erode, insofar as petitioners 2 and 3 are concerned, shall stand quashed. Court below may now proceed with the case as against the first petitioner. As case is pending since the year 2013, the trial Court is directed to dispose of the case as expeditiously as possible in any event, within a period of four months from the date of receipt of this order. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmi

To

1.The Judicial Magistrate Court No.III,
Erode.

+1cc to Mr.I.C.Vasudevan, Advocate SR.No.15519
+1cc to Mr.M, Advocate SR.No.15904

Cr1.O.P.No.32770 of 2013

GJII (CO)
Gn(04/04/2017)

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