



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2017

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.11998 of 2017

and

Crl.M.P.(MD) Nos.8255 and 8256 of 2017

1.Premnath
2.Kuruvammal
3.Gangaiah
4.Guptajothi
5.Gokulnath
6.Sasikala
7.Navanetha Narayanan
8.Sai Swetha ...Petitioners/Respondents 1 to 8

-Vs-

Krishnaveni ...Respondent/Petitioner

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to quash M.C.No.8 of 2017 on the file of Judicial Magistrate, Aruppukottai.

For Petitioners :Mr.A.Arumugam

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in M.C.No.8 of 2017 on the file of learned Judicial Magistrate, Aruppukottai.

2.The first petitioner is the husband of the respondent and petitioners 2 to 8 are the in laws of the respondent, who has filed a petition under the specific provisions of Sections 12, 18, 19(8), 20, 20(d) and 21 of Prevention of Women from Domestic Violence Act, 2005.

3.The case of the petitioners is that the allegations against the petitioners in the complaint are false and that the private complaint has been lodged without giving any representations to any concerned Social Welfare Officer. The petitioners have also raised several other grounds, stating that the first petitioner and the respondent are not living together and other factual aspects, denying the averments made in the complaint preferred by the respondent.



4.The learned Counsel for the petitioners submitted that the private complaint filed by the respondent is a clear case of abuse of process of law. It is in these circumstances, the petitioners have filed the above petition.

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5.Having regard to the allegations made in the private complaint in M.C.No.8 of 2017 and the provisions of Prevention of Women from Domestic Violence Act, 2005, this Court is of the clear view that the petition filed by the petitioners for quashing the complaint is unsustainable. Having regard to the provisions of the Prevention of Women from Domestic Violence Act, 2005, the petition filed before the competent Court for certain reliefs, are permitted as per the provisions of the Act. Prevention of Women from Domestic Violence Act, 2005, is a special enactment meant for redressing the grievance of the wife. The relationship between the first petitioner and the respondent is not in dispute and hence, this petition cannot be entertained.

6.However, the learned Counsel for the petitioners submitted that no serious allegations were made against any of the petitioners, who are the in laws and husband of the respondent and that they are residing in different places. Therefore, learned Counsel submitted that their appearance may dispensed with by this Court.

7.The request of the learned Counsel for the petitioners is well justified to dispense with the presence of the petitioners and hence, the presence of the petitioners is dispensed with unless or until their presence is specifically required by an order of Court.

8.Accordingly, the Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate, Aruppukottai

2.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai

+1cc to Mr.A.Arumugam, Advocate in Sr.No.30393

cmr/Ls

RL/4C/2P/KP/SAR2/12/9/2017

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and

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