



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.14152 of 2017

and

CRL.M.P.(MD) Nos.9473 and 9474 of 2017

1.Nagammal
2.Pitchaimani
3.Evad Pushbaraj
4.Pasumpon

... Petitioners/Respondents 2 to 5

Vs.

J.Jeyalakshmi

... Respondent/Petitioner

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the D.V.No.13 of 2017, on the file of the Judicial Magistrate Court No.II, Sattur, Virudhunagar District and quash the same.

For Petitioners : Mr.K.Prabhakaran

ORDER

The Criminal Original Petition is filed to quash the proceedings in D.V.No.13 of 2017, on the file of the Judicial Magistrate Court No.II, Sattur, Virudhunagar District.

2.The petitioners are Accused Nos. 2 to 5 in the proceedings in D.V.No.13 of 2017 before the lower Court. The first petitioner is the mother-in-law, the second petitioner is the sister-in-law and the third petitioner is the husband of the sister-in-law and the fourth petitioner is the brother-in-law of the respondent. The respondent has filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005, against the petitioners, who are the respondents 2 to 5 before the lower Court.

3.The reliefs claimed by the petitioners herein, before the Trial Court are reliefs, which are provided under the Protection of Women from Domestic Violence Act, 2005. Except denying the factual allegations that are found in the petition, no other legal ground is made and hence the petition to quash the proceedings is not maintainable, as it is the settled position that merely on the basis of factual assertions of the respondents in the proceedings, this Court cannot entertain the petition to quash the petition for certain reliefs provided under the Act.



4.The learned Counsel for the petitioners seeks indulgence of this Court to dispense with the presence of the petitioners before the lower Court. Having regard to the facts stated in the petition and the position that the petitioners are only in-laws of the respondent, the appearance of the petitioners before the lower Court is dispensed with for the present, unless and until their appearance is specifically required by an order of Court.

5.In view of the above, the Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Sattur,
Virudhunagar District.

2. -do- through The Chief Judicial Magistrate,
Virudhunagar District.

+ 1 CC TO Mr.K.PRABHAKARAN, ADVOCATE IN SR No. 83315

CMR

TE/GT/SAR-I : 09/11/2017 : 2P/4C

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