



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

CRL.O.P. (MD) .No.14327 of 2017 and
CRL.M.P. (MD) Nos.9551 & 9552 of 2017

1. Senthilram
2. Ramalingam
3. Selvapoo
4. R.Lavanya
5. Rajeshkumar

...Petitioners/Respondents 1 to 5

Vs.

R.Subala

... Respondent/Petitioner

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for records pertaining to the above complaint in D.V.O.P.No.18 of 2016 on the file of the learned Judicial Magistrate No.III, Nagercoil, and quash the same.

For Petitioners : Mr.R.Narayanan

ORDER

This Criminal Original petition is filed for quashing the proceedings in D.V.O.P.No.18 of 2016 on the file of the learned Judicial Magistrate No.III, Nagercoil.

2. Heard the learned counsel appearing for the petitioners.

3. The first petitioner is the husband of the respondent and the others are the in-laws of the respondent. The petitioners state that the marriage between the first petitioner and the respondent was solemnized on 11.11.2012 as per Hindu Rites and Customs and that after living for a while, the first petitioner and the respondent separated. The petitioners further state that the first petitioner has filed a petition for restitution of conjugal rights in H.M.O.P.No.633 of 2016 on the file of the Subordinate Court, Tambaram. The petitioners further state that a criminal complaint was lodged by the respondent as against the petitioners with false allegations before the All Women Police Station, Kanniyakumari, in C.S.R.No.149 of 2016.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The case of the petitioners is that the intention of the



respondent is only to harass the petitioners and that therefore, she has given the false complaint. It was further stated that the respondent has filed a petition in D.V.O.P.No.18 of 2016 on the file of the learned Judicial Magistrate No.III, Nagercoil, for claiming compensation and for return of jewels and for the amount which was received by way of dowry and for other reliefs.

5. The grounds which are raised in this petition to quash the proceedings are only factual and this Court is not able to find any legal ground. It is repeatedly stated in the petition that the respondent has given the false complaint and the allegations raised in the petition are false, baseless and malicious. Except denying the allegations found in the complaint, there is no legal ground. Truth or otherwise in the allegations made by the respondent in the petition cannot be gone into at this stage in a petition for quashing the proceedings. The petition has been filed by the respondent under Section 12 of Protection of Women from Domestic Violence Act. The relief claimed by the respondent is maintainable and provided under the Act and hence, on the basis of some factual issues, this Court cannot entertain this petition. Hence, the Criminal Original petition is dismissed as devoid of merits.

6. However, the learned counsel for the petitioners state that the petitioners 2 to 5 are unnecessarily implicated in the complaint and that their appearance may be dispensed with.

7. Considering the grievance of the petitioners and the nature of the complaint lodged as against the petitioners, the personal appearance of the petitioners 2 to 5 is dispensed with, unless or until their appearance is specifically required by an order of Court. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.III, Nagercoil.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.NARAYANAN, Advocate, SR.83818

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