



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.OP.(MD) No.14466 of 2017

and

CRL.MP.(MD) Nos.9636 and 9637 of 2017

1.Sembulingam
2.Parvathi
3.Neelakandan
4.Shanthi
5.Meenal
6.Kavitha

...Petitioner/Respondents

Vs.

1.Aarivu
2.Minor Navaneethan ... Respondents/Complainants
R2 Rep.by Guardian and Mother R1

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in M.C.No.40 of 2015 on the file of the Principal Munsif-cum-Judicial Magistrate Court, Karaikudi under Sections 17, 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act, 2005 and quash the same.

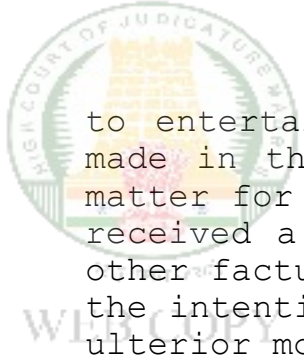
For Petitioners : Mr.D.P.Panneerselvam

ORDER

This Criminal Original Petition is filed to quash the case in M.C.No.40 of 2015 on the file of the Principal Munsif-cum-Judicial Magistrate Court, Karaikudi, filed under Sections 17, 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act, 2005.

2.The first petitioner is the father-in-law and the second petitioner is the mother-in-law of the first respondent. The first respondent along with her minor son, has filed a petition in M.C.No.40 of 2015 on the file of the Principal Munsif-cum-Judicial Magistrate Court, Karaikudi, under Sections 12, 17, 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act, 2005. In the above said petition, the first respondent sought for maintenance and compensation for the domestic violence and for returning the 'Seethanam' articles and for other reliefs which are provided under the Act.

<https://hcservices.courts.gov.in/hcservices/>
3.Regarding regard to the specific allegations made in the petition in M.C.No.40 of 2015 on the file of the Principal Munsif-cum-Judicial Magistrate Court, Karaikudi, this Court is not inclined



to entertain this petition. Truth or otherwise in the allegations made in the petition cannot be decided at this stage and it is a matter for evidence. The petitioners state that the first respondent received a house which belonged to them. It is further stated that other factual averments made in the petition are not true and it was the intention of second respondent to harass the petitioners with an ulterior motive.

4.This Court has repeatedly held that scope of enquiry in a petition to quash the proceedings cannot be extended for deciding factual issues on the statements on either side. No legal ground is made. Having regard to the nature of complaint and the fact that the petition is filed under Section 12 of Protection of Women from Domestic Violence Act, 2005, this Court is not inclined to entertain this petition and hence the Criminal Original Petition is dismissed. Since the first respondent's age is about 75 years and the second respondent's age is about 65 years, their appearance before the lower Court is dispensed with, unless and until their presence is specifically required by an order of Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

The Principal Munsif-cum-Judicial Magistrate,
Karaikudi.

+1cc to Mr.D.P.Panneerselvam Advocate in SR. No. 83999

CMR

JS/SV.MMS/SAR.1/10.11.2017/2P-3C

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