



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CrI.O.P.(MD).No.14932 of 2017andCrI.M.P.(MD) Nos.9937 and 9938 of 2017

1.T.Rajasekar
2.T.Jothi
3.Ramya
4.Perumal

...Petitioners/Accused 1 to 4

Vs.

R.Packialakshmi

... Respondent/Complainant.

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to D.V.C.No.3 of 2017 pending on the file of the learned Judicial Magistrate, Uthamapalayam filed by the respondent under Section 12 of Prohibition of Women from Domestic Violence Act, 2005 and quash the same against the petitioners here in.

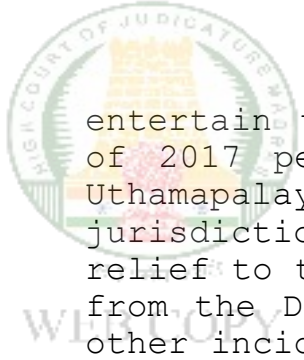
For Petitioners : M/S.Lakshmi Gopinathan

O R D E R

This Criminal Original Petition has been filed to call for the records relating to D.V.C.No.3 of 2017 pending on the file of the learned Judicial Magistrate, Uthamapalayam filed by the respondent under Section 12 of Protection of Women from Domestic Violence Act, 2005 and quash the same.

2.The respondent is the wife of the first petitioner. She lodged a complaint as against the petitioners for demanding dowry harassment and for threatening her and the same was registered under Section 498(A) IPC and Section 4 of Dowry Prohibition Act in Cr.No.11 of 2017 by the Inspector of Police, All Women Police Station, Uthamapalayam, Theni District on 21.08.2016. It is also admitted that the wife of the first petitioner has filed a petition in H.M.O.P.No.106 of 2017 before the Sub Court, Uthamapalayam for restitution of conjugal rights. The respondent has also filed a petition under Section 12 of the Protection of Women from the Domestic Violence Act, 2005, before the learned Judicial Magistrate, Uthamapalayam for seeking reliefs provided under the Act.

3.Having regard to the nature of complaint and the peculiar facts narrated in the petition, this Court is not inclined to



entertain this petition for quashing the proceedings in D.V.C.No.3 of 2017 pending on the file of the learned Judicial Magistrate, Uthamapalayam. The averments made in the petition disclose the jurisdiction of the lower Court to entertain this petition and grant relief to the respondent under the provisions of Protection of Women from the Domestic Violence Act, 2005. Except denying the facts and other incidents narrated by the petitioner in the petition, no legal ground is made in this petition. Hence, this petition is liable to be dismissed.

4. Accordingly, this Criminal Original Petition is dismissed. The petitioners are residing at Chennai and the petition is filed before the Court in Theni District. Considering the grievance of the petitioner the appearance of the petitioners is dispensed with unless and until their appearance are specifically required by an order of Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar.

To
The Judicial Magistrate,
Uthamapalayam.

+1CC to M/S. Polax Legal Solutions., Advocate, SR.No. 85453

Cr1.O.P.(MD).No.14932 of 2017
and
Cr1.M.P.(MD) Nos.9937 and 9938 of 2017
06.11.2017

mm

AM/SKN RSK/SAR 3/16.11.2017/2P/3C