



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.15731 of 2017

and

CRL.M.P.(MD)No.10454 of 2017

1.Vadivel
2.V.Thangamani
3.V.Sathya Moorthy
4.C.Gowri
5.P.Jeyanthi

... Petitioners / Respondents Nos.2 to 6
Vs.

T.Sudha ... Respondent / Petitioner

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in DVC No.18 of 2017, dated 27.04.2017 pending on the file of the Judicial Magistrate Court, Pudukottai and quash the same in respect of the petitioners.

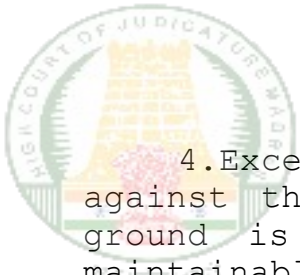
For Petitioners : Mr.R.Santhanam

ORDER

The Criminal Original Petition is filed to quash the case in DVC No.18 of 2017, dated 27.04.2017 pending on the file of the Judicial Magistrate Court, Pudukottai, in respect of the petitioners.

2.The respondent herein, is the wife of the first petitioner's son and that they were living together for some time. The respondent delivered a male child on 07.12.2015 and thereafter it appears that there was a dispute between husband and wife. It is stated that the first petitioner's son filed a petition for divorce in H.M.O.P.No.282 of 2016 before the Sub Court, Pudukottai, under 13(1) (i-a) of Hindu Marriage Act.

3.The respondent has preferred a petition in D.V.C.No.18 of 2017 on the file of the Judicial Magistrate Court, Pudukottai, under Section 12 of Prohibition of Harassment of Women from Domestic Violence Act. The prayer in this petition is for compensation, for domestic violence, for residence and for protection and maintenance and for return of Sridhana articles. The reliefs prayed for by the respondent are provided under the special enactment. Hence, this Court cannot entertain this petition for quashing the petition on the ground that the allegations stated by the respondent in the petition are false and that the reliefs cannot be granted by the Court below.



4.Except denying the allegations made in the petition, as against the petitioners, in D.V.C No.18 of 2017, no other legal ground is raised by the petitioners. Whether the petition is maintainable as against the petitioners is a matter for evidence as specific allegations are made against the petitioners for domestic violence. This Court, therefore, is not in a position to quash the petition as against the petitioners, who are of course, only the in laws of the respondent.

5.The learned Counsel for the petitioners further submitted that the petitioners are the in-laws and they are not residing in the matrimonial home earlier and seeks indulgence of this Court to dispense with the appearance of the petitioners before the lower Court. In view of the submission made by the learned Counsel for the petitioners, the appearance of the petitioners before the lower Court is dispensed with, unless and until their presence is specifically required by an order of Court.

6.With the above observation, the Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub-Assistant Registrar

To

The Judicial Magistrate ,
Pudukottai.

+One cc to Mr.R.Santhanam, Advocate, SR.No.88250

cmr

RL/3C/2P/JC/SAR1/13/12/2017

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