



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.16198 of 2017

and

CRL.M.P.(MD) Nos.10738 and 10739 of 2017

1.Shanmugavel

2.Arul Selvi

3.Nithiya

: Petitioners/Accused Nos.2 to 4

Vs.

Geetharani

: Respondent/Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the complaint in D.V.A.No.16 of 2017 on the file of the Judicial Magistrate No.III, Dindigul and quash the same as far as the petitioners are concerned.

For Petitioners : Mr.V.Sakkarapani

ORDER

The Criminal Original Petition is filed to call for the records relating to the complaint in D.V.A.No.16 of 2017 on the file of the Judicial Magistrate No.III, Dindigul and quash the same as far as the petitioners are concerned.

2.The petitioners are the Accused Nos.2 to 4 in the proceedings in D.V.A.No.16 of 2017 on the file of the Judicial Magistrate No.III, Dindigul. The respondent in this petition is the wife of one Karthikeyan and the petitioners are none-else than the in-laws of the respondent. Making serious allegations against the petitioners and her husband, the respondent has filed a petition in D.V.A.No.16 of 2017 before the Judicial Magistrate No.III, Dindigul, under Section 12 of the Tamil Nadu Prohibition of Women from Domestic Violence Act, for various reliefs that are provided under the Act. Sum and substance, the reliefs claimed by the respondent from the petitioners are to pay compensation for the domestic violence; to return the Srithana articles and for the grant of maintenance eh.

3.The learned Counsel for the petitioners stated that there was no allegation against the petitioners for any domestic violence and

that therefore the petition is not maintainable.

4.The submission of the learned Counsel for the petitioners is factually incorrect as the respondent has made specific allegations against the petitioners, stating that the petitioners have beaten her and insulted her apart from causing injury on her. It is further stated that on 20.06.2017, all the accused have jointly driven the petitioners from matrimonial home.

5.Having regard to the specific allegations found in the petition that was presented by the respondent before the Judicial Magistrate No.III, Dindigul, this Court is not inclined to entertain this petition. Hence, this petition is dismissed.

6.The learned Counsel for the petitioners seeks indulgence of this Court to dispense with the presence of the petitioners before the lower Court. Considering the facts and circumstances of the case and the fact that the petitioners are only in-laws of the respondent, the petitioners appearance before the lower Court is dispensed with for the present unless and until their presence is specifically required by an order of Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

+ 1 CC TO Mr.V.SAKKARAPANI, ADVOCATE IN SR No. 89910

CMR

TE/SKN-RSK/SAR-1 : 12/12/2017 : 2P/4C

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