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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.01.2017

CORAM
THE HON'BLE MR.JUSTICE G.CHOCKALINGAM
Crl.O.P.(MD) No.668 of 2017
and
Crl.M.P(MD)Nos.594 and 595 of 2017

1.A.Parish
2.Avaneshkumar
3.Sujatha
4.Abarna

: Petitioners/A1 to A4

-vs-

1.V.Viji
2.Minor Parnik
[Represented by
her mother and natural guardian
V.Viji]

: Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records bearing Crl.M.P.No.95 of 2016 on the file of the learned Judicial Magistrate/Additional Mahila Court (Magisterial Level), Madurai, Madurai District and subsequently, quash the same as illegal and devoid on merits.

For Petitioners : Mr.S.Palani Velayutham

O R D E R

This petition has been filed, seeking to call for the records bearing Crl.M.P.No.95 of 2016 on the file of the learned Judicial Magistrate/Additional Mahila Court (Magisterial Level), Madurai, and subsequently, quash the same as illegal and devoid on merits.

2.The complaint states that the 1st petitioner is the husband of the 1st respondent and father of the 2nd respondent and the petitioners 2 and 3 are parents of the 1st petitioner and the 4th petitioner is the cousin of the 1st petitioner and that due to matrimonial tiff, the 1st petitioner along with the other accused, harassed the 1st respondent and tortured. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that now the respondents are not living with the petitioners and the 1st respondent, at her own wish, left the matrimonial home and now residing in her parental home with her child the 2nd respondent and that the 1st respondent is a qualified lady and earning higher salary and hence, she is not entitled to get any maintenance and that since the 1st respondent did not make out any serious allegation with regard to the torture and cruelty meted out



her, the impugned proceedings have to be quashed.

4. This court is heard the submission made on the side of the petitioners and perused the materials available on record.

5. It is seen from the records that first petitioner and the 1st respondent are husband and wife. The petitioners 2 and 3 are the father in law and mother in law of the 1st respondent. The 4th petitioner is the cousin of the 1st petitioner.

6. On perusal of the private complaint filed against the petitioners, they are specific allegations attributed against them and the 1st respondent has also specifically stated about the torture and cruelty in the complaint given before the All Women Police Station, Tallakulam, Madurai.

7. The main contention of the petitioner is that in this case, the trial is yet to be commenced and that since, the complaint did not contain any serious allegation, the complaint itself is illegal and devoid of merits. This court is of the considered view that the said contention of the petitioners is not at all acceptable, since the petitioners can only raise their defence during trial.

8. In view of the above circumstances, this petition is **dismissed** giving liberty to the petitioners to raise all their defence at the time of trial before the trial court. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

TO

Judicial Magistrate,
Additional Mahila Court (Magisterial level),
Madurai,
Madurai District.

+1 cc to Mr. S.PALANI VELAYUTHAM, ADVOCATE, SR NO.5280

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MAS/PM-PN:23.02.2017:2P/3C

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