

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.9657 of 2018

and

Crl.M.P.Nos.4979, 4980, 14435 & 14441 of 2018

1. G.Ramesh Babu
2. Govindarajulu
3. Girija

... Petitioners/Respondents

vs.

Radhika

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the proceedings in D.V.No.34 of 2015 on the file of the Judicial Magistrate, Tambaram and quash the same.

For Petitioners : Mr.A.Ragunathan
Senior Counsel
for Mr.J. Saravanavel

For Respondent : Mr.M.Vijayakumar for
Mr.T.R.Ravi

O R D E R

This petition has been filed seeking to quash the proceedings in D.V.No.34 of 2015 on the file of the Judicial Magistrate, Tambaram.

2. The petitioners are the husband, father-in-law and mother-in-law of the respondent. The respondent has filed a domestic violence petition before the Court below claiming for the reliefs under Sections 18, 19, 20, 22 and 23 of the Domestic Violence Act. It is seen from the complaint that the entire allegation has been made only as against the husband. Insofar as the petitioners 2 and 3 are concerned, the respondent makes allegations against them as if they came to the matrimonial home and abused the petitioner both physically and mentally. Apart from that, there are only general allegations made against the petitioners 2 and 3.

3. This Court is of the considered view that sufficient allegations have been made as against the first petitioner, who

is the husband. Therefore, there is no ground to interfere with the proceedings insofar as the first petitioner is concerned.

4. Insofar as the petitioners 2 and 3 are concerned, except for some general allegations, this Court does not find any ground to sustain the complaint against the petitioners 2 and 3. In fact all the reliefs that have been sought for by the respondent pertains to the first petitioner. Therefore, the continuation of the proceedings against the petitioners 2 and 3 will amount to abuse of process of Court.

5. In the result, this Criminal Original Petition is partly allowed and the proceedings as against petitioners 2 and 3 is hereby quashed. This Criminal Original Petition is dismissed insofar as the first petitioner is concerned. The Court below is directed to complete the proceedings in D.V.C.No.34 of 2017 within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dss

To

- 1.The Judicial Magistrate Court,
Tambaram.
2. Do Thro The Chief Judicial Magistrate
Kancheepuram.
3. The Public Prosecutor,
Madras High Court, Chennai.

+1 CC to Mr.J. Saravanavel, Advocate sr 89110.

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SP(09/01/2019)