

INTHE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. No.8951 of 2018

and

Cr1.MP.Nos.4623 & 10710 of 2018

1.C.Senthil Ganesh
2.S.Chandra Mouli
3.Malliga

.. Petitioners/Respondent

. Vs .

Manjula

...Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in pursuant to DVC No.20 of 2017, on the file of the Judicial Magistrate No.I, Vellore, Vellore District and quash the same.

For Petitioners: Mr.M.Sathish Kumar

For Respondent : Mr.C.Prakasam

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in DVC No.20 of 2017, pending on the file of the Judicial Magistrate No.I, Vellore District.

2.The respondent has filed a petition under the Domestic Violence Act, seeking for the relief under Section 18, 19, 20 & 22 of the Domestic Violence Act, and also seeking for the return of the Sreedhanam articles given at the time of marriage.

3.The petitioners are the husband and the in-laws of the respondent. A reading of the petition filed before the Court below reveals that sufficient allegations have been made against the husband, and therefore there is no ground for this Court to interfere with the proceedings insofar as the husband is concerned. The truth or otherwise of the allegations and several factual issues sought to be raised before this Court, can be agitated by the 1st petitioner only before the Court below and this Court cannot get into the exercise of appreciation of evidence.

4. Insofar as the 2nd and 3rd petitioners are concerned, they are the father-in-law and mother-in-law of the respondent. Only general allegations have been made against them and considering their age and the nature of allegations made against them, this Court is of the considered view that they do not need to undergo the ordeal of trial before the Court below.

5. In view of the above, this Criminal Original Petition shall stand dismissed insofar as the 1st petitioner is concerned, and shall stand allowed insofar as the 2nd and 3rd petitioners are concerned. The Court below is directed to complete the proceedings in DVC No.20 of 2017, on the file of the Judicial Magistrate No.I, Vellore District, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KP

To

The Judicial Magistrate No.I, Vellore,
Vellore District.

+1cc to Mr.M.Sathish Kumar, Advocate sr.no.85893

+1cc to Mr.C.Prakasam, Advocate sr.no.86457

CrI.O.P. No.8951 of 2018

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