

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.03.2018

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Cr1.OP No.14347 of 2011

and

M.P.No.1 of 2011

1.N.Rajkumar
2.N.Saroja
3.C.Prema
4.Ramesh

... Petitioners

...Vs...

Mrs.Vanitha

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the M.C.No.1 of 2010 on the file of the Judicial Magistrate Gudalur, quash the same by allowing this Criminal Original Petition.

For Petitioners :Mr.M.Guruprasad

For Respondent :Mr.C.R.Malarvannan

ORDER

This Criminal Original Petition has been filed under Section 482 Cr.P.C., to call for the records relating to the M.C.No.1 of 2010 on the file of the Judicial Magistrate, Gudalur and quash the same.

2. The learned counsel for the petitioners has submitted that as against the third and fourth petitioner herein, there is no specific overt act or any allegations under Prohibition of Women from Domestic Violence Act.

3. Per contra, the learned counsel for the respondent who is the petitioner before the trial Court would contend that originally, they moved the M.C.No.1 of 2010 before the learned Judicial Magistrate, Gudalur, the Nilgiris seeking for refund of Rs.4,00,000/- towards the expenses of marriage and also Rs.6,000/- for the maintenance from the year 2010.

4. Heard both sides and perused the records.

5. In view of the interim order passed by this Court, trial has not commenced. After hearing both the parties and going through the records, I find that there is no specific allegations or overtact as against the third and fourth respondent herein who are all the then unmarried elder sister and her husband and as such in the absence of any specific allegations warranting trial, I am of the considered view that the proceedings as against third and fourth respondent cannot be sustainable in law. Accordingly, they stands quashed however in respect of the second respondent, being the mother, and prayer is sought for refund of marriage expenses.

6. Considering the aged of the second petitioner herein her personal appearance before the Court is hereby dispensed with and this Criminal Original Petition is partly-allowed in respect of the third and fourth petitioners and with this observation that being the aged mother and her personal appearance shall dispense with during the course of trial and the learned Judicial Magistrate, Gudalur is directed to complete the trial on or before three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Gudalur
2. -Do- Thro' The Chief Judicial Magistrate,
Nilgiris District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Mohideen Basha, Advocate, S.R.No.17453

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GJ(CO)
CS/28/03/18