

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.21278 of 2018
and CRL.M.P.No.11565 of 2018

G.Vanitha

... Petitioner/Complainant

Vs

1. N.S. Gokula Krishnan ...1st Respondent/1st Respondent
2. Shanthalakshmi
3. Vijayalakshmi
4. Rajeswari
5. Srinivasan ... Respondents 2 to 5/Proposed Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 11.06.2018, in Crl. M.P.No.1281 of 2018, in D.V.C.No. 150 of 2017, passed by the learned Additional Mahila Court, Egmore, Chennai insofar as the relief of impleading the Respondents 2 to 5 as party respondents in the above D.V.C. No. 150 of 2017 on the file of the learned Additional Mahila court, Egmore.

For Petitioner : Mr.K.Subramanian

ORDER

The petitioner got married to one Gokulakrishnan and they got separated. The petitioner filed D.V.C.No.150 of 2017 against Gokulakrishnan. During the pendency of the proceedings, the petitioner filed a petition in Cr.M.P.No.1281 of 2018, under Order 1 Rule 10 of C.P.C., to implead the family members of Gokulakrishnan as party in DVC.No.150 of 2017. It has been dismissed by the trial Court by the impugned order dated 07.06.2018, challenging which, the petitioner is before this Court.

2. The learned counsel appearing for the petitioner submitted that the petitioner's jewels are with the proposed respondents and they are necessary parties to the DVC proceedings.

3. In the opinion of this court, the proceedings under Order 1 Rule 10 C.P.C., cannot be imported into the Cr.P.C. That apart, the trial Court has given findings that the petition

itself has been filed eight months, after the case was taken on file. In the petition filed under the Domestic Violence Act, they are not necessary parties as there is no existence of domestic relationship between the petitioner and the proposed respondents. Therefore, all the family members of the husband cannot be automatically included in the DVC proceedings without any material there of. Hence, this Court does not find any infirmity in the order passed by the trial Court warranting interference by this Court.

4. Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

rts/vkr

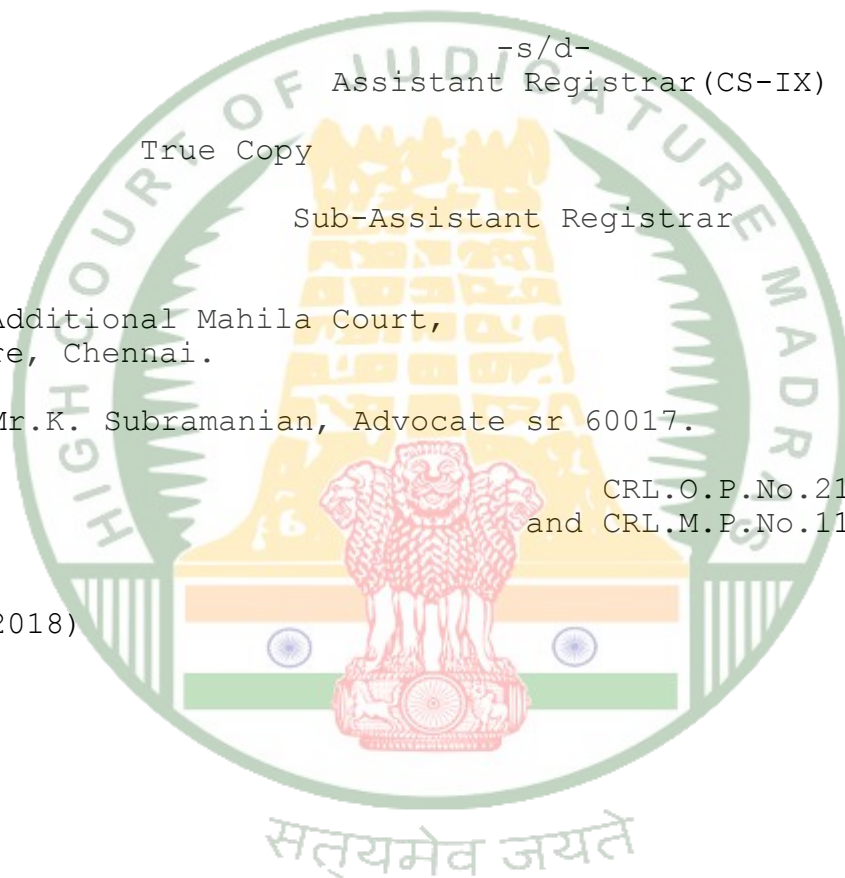
To

The Additional Mahila Court,
Egmore, Chennai.

+1 CC to Mr.K. Subramanian, Advocate sr 60017.

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MR (CO)
SP (25/09/2018)



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