

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.11328 of 2018
and
Crl.M.P.Nos.5860 and 5861 of 2018

1.A.Chanthirasekaran
2.K.Annamalai
3.A.Saratha
4.P.Pushpa
5.A.Rajendran

... Petitioners

Vs

S.Chitra Devi

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in D.V.A.No.29 of 2018 pending before the learned Additional Mahila Judge, Coimbatore and to quash the same.

For Petitioners : Mr.R.Selvaraj

ORDER

This petition has been filed to quash the proceedings in D.V.A.No.29 of 2018 pending before the learned Additional Mahila Judge, Coimbatore.

2.Chanthirasekaran got married to Chitra Devi on 29.05.2013 and their marriage ran into rough weather, resulting in Chitra Devi initiating proceedings in D.V.A.No.29 of 2018 before the learned Additional Mahila Judge, Coimbatore, against Chanthirasekaran, his parents Annamalai and Saratha, his sister Pushpa and his brother Rajendran. Challenging which, this petition has been filed.

3.Heard Mr.R.Selvaraj, learned counsel appearing for the petitioners.

4.The learned counsel appearing for the petitioners submitted that Chanthirasekaran and Chitra Devi did not live

together for a long time in the matrimonial home and therefore, proceedings under the Domestic Violence Act is not maintainable. He also contended that one Shija had given a complaint to the All Women Police Station, Tiruppur, alleging that Chitra Devi is having an affair with her husband Munirathinam. Therefore, the learned counsel contended that when Chanthirasekaran questioned Chitra Devi about it, she has launched the present proceedings under the Domestic Violence Act to wreck vengeance.

5.This Court carefully perused all the documents filed along with typedset of papers.

6.At the outset, this Court cannot adjudicate upon the disputed questions of fact in a quash application. The marital relationship between Chanthirasekaran and Chitra Devi has not been denied. It is true that one Shija had given a complaint to the All Women Police Station, based on which, a petition enquiry was conducted in C.S.R.No.191 of 2017 and the same was closed. On reading of the Closure Report, it shows that the police have enquired all the parties and it was found that since Chitra Devi's family and Munirathinam's family are living in the same compound they knew each other well and that there was no extramarital relationship and therefore, this Court does not find any merit in the submission made by the learned counsel appearing for the petitioners.

7.In the result, this Criminal Original Petition is devoid of merits and the same is dismissed. However, the presence of Annamalai, Saratha, Pushpa and Rajendran are dispensed with before the trial Court on condition that they shall execute a bond for Rs.5,000/- (Rupees five thousand only) without sureties under Section 88 of Cr.P.C and file an undertaking affidavit that they will not dispute their identity and that the Counsel appointed by them will cross examine the witnesses on the day, the witness is examined in Chief and not adopt any dilatory tactics. If the petitioners adopt dilatory tactics, the trial Court is entitled to insist the presence of the petitioners 2 to 5.

With the above directions, this Criminal Original Petition is closed. Consequently, the connected Miscellaneous petitions are closed.

Sd/-

Deputy Registrar (CO)

/true copy/

Sub Asst. Registrar

mps

To

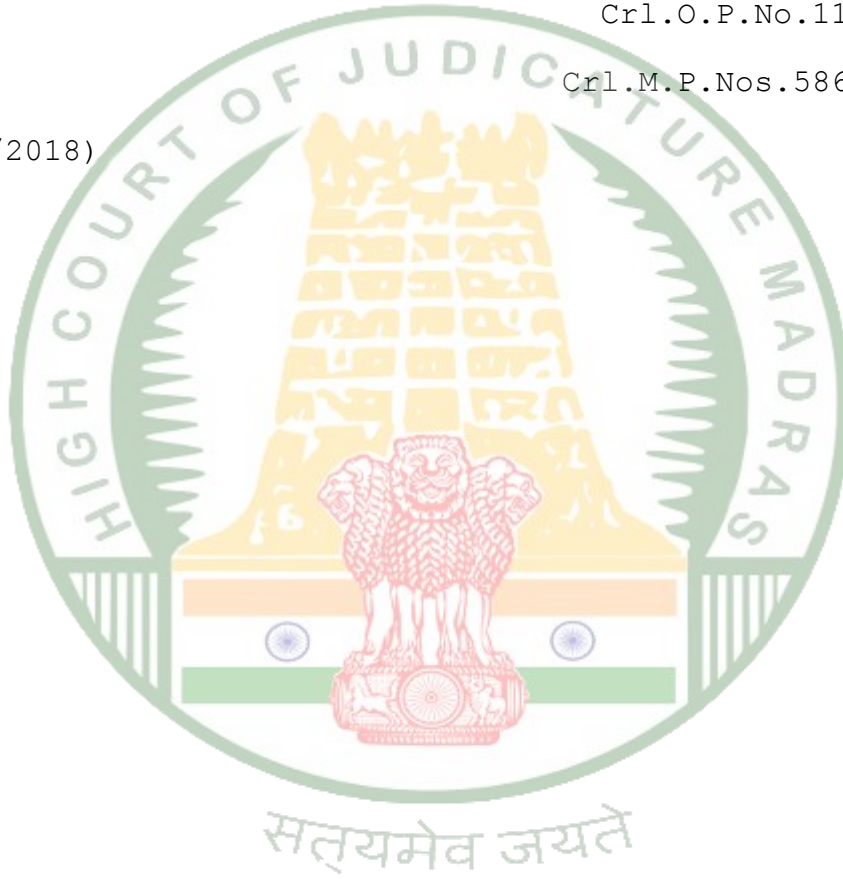
1.The Additional Mahila Judge,
Coimbatore.

2.The Public Prosecutor,
Madras High Court,
Chennai.

+lcc to Mr.Selvaraj, Advocate, S.R.No.27999

Crl.O.P.No.11328 of 2018
and
Crl.M.P.Nos.5860&5861/2018

RRK(17/05/2018)



WEB COPY