

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.11493 of 2018
and Crl.M.P.Nos.5980 and 5981 of 2018

1.Balasundari
2.Senthilnathan

...Petitioners

-Vs-

A.Jeyanthi

...Respondent

Petition filed under Section 482 Criminal Procedure Code to call for the records and quash the proceedings in D.V.No.17 of 2017, on the file of the Judicial Magistrate, Thiruvottriyur.

For Petitioner : Mr.E.J.Ayyappan
For Respondent : Mr.N.Manikandan

O R D E R

This petition has been filed to call for the records and quash the proceedings in D.V.No.17 of 2017, on the file of the Judicial Magistrate, Thiruvottriyur.

2. For the sake of convenience, the parties will be referred to by their name.

3. Jeyanthi got married to Swaminathan on 09.12.2016 and started living in the matrimonial home with the petitioners herein. On account of discord, the spouses got estranged, resulting in Jeyanthi initiating proceedings in D.V.No.17 of 2017 before the Judicial Magistrate, Thiruvottriyur claiming various reliefs under the Domestic Violence Act against Swaminathan and the petitioners herein. The first petitioner is the mother-in-law and the second petitioner is the brother-in-law of Jeyanthi. This quash application has been filed to quash the proceedings qua the petitioners herein, on the ground that there are no materials as against them.

4. Heard the learned counsel for the petitioners and the learned counsel for Jeyanthi.

5. Learned counsel for Jeyanthi submitted that at the instigation of the petitioners, Swaminathan inflicted cruelty on Jeyanthi and that there are sufficient materials as against the petitioners also. However, on a reading of the petition, it is seen that it is the grievance of Jeyanthi that Swaminathan was frequently speaking to one Uma and she is suspecting his fidelity. Of course, there is a vague allegation against her brother-in-law to the effect that he was attempting to move very intimately with her. On the whole, this Court finds that there are sufficient materials as against Swaminathan for the proceedings to go further. Hence, this petition is allowed and the proceedings in D.V.No.17 of 2017 pending on the file of the Judicial Magistrate, Thiruvottriyur is hereby quashed as against the petitioners. Consequently, connected miscellaneous petitions are closed.

6. Mr.Ayyappan, learned counsel for the petitioners gave an undertaking on behalf of the petitioners that the earlier order dated 16.04.2018 directing to deposit Rs.5,000/- will be continued till the final disposal of D.V.No.17 of 2017. This undertaking is placed on record. The trial Court shall complete the enquiry within a period of six months from the date of receipt of a copy of this order, provided there is no other legal impediment. The sum of Rs.5,000/- is only interim maintenance and it is open to the trial Court to fix the maintenance amount after taking evidence in this regard.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Thiruvottriyur..

+1 cc to Mr.E.J.Ayyappan Advocate SR.NO. 55226
+1 cc to Mr.N.Manikandan Advocate SR.NO. 55179

Cr.O.P.No.11493 of 2018

GJ II

ASK(24/08/2018)