

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.06.2018

C O R A M

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Cr1.O.P. No.29895 of 2014

and

M.P. Nos.1 & 2 of 2014

1.P.Karunakaran
2.K.Devaki
3.M.Sakila

.... Petitioners/Respondents 2 to 4

Vs.

N.Sinthika

.... Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to DVOP. No.7 of 2014 pending on the file of the Judicial Magistrate No.1, Mettur and quash the same as illegal, incompetent and without jurisdiction by allowing the present Criminal Original Petition.

For Petitioners : Mr.R.Ezhilarasan

For Respondent : Mr.S.Doraisamy

ORDER

This petition under Section 482 Cr.P.C. to call for the records in DVOP. No.7 of 2014 on the file of the Judicial Magistrate No.1, Mettur and quash the same.

2.The petitioners are the mother-in-law, father-in-law and sister-in-law respectively of the respondent/complainant. The respondent has filed a complaint against the present petitioners as well as her husband Elayaraja under Section 12 of the Protection of Women from Domestic Violence Act, 2005 in DVOP. No. 7 of 2014 before the Judicial Magistrate No.1, Mettur. The learned Magistrate took cognizance of the offence and issued summons to the accused.

3.The learned counsel for the petitioners contended that there are no allegations as against the present petitioners and all the reliefs are sought only against the husband of the respondent/ complainant.

4.Per contra, Mr.S.Doraisamy, learned counsel appearing for the respondent/complainant contended that all the petitioners demanded dowry and also harassed the respondent/complainant and in fact there are averments to that effect in the complaint.

5.The learned counsel for the petitioners would contend that the third respondent who is the sister-in-law of the respondent/complainant is residing at a far off place and she has been falsely implicated in the present case. It is his contention that the third petitioner is living with her husband and her 18 year old daughter. The learned counsel appearing for the petitioners fairly conceded that the DVOP proceedings in 7 of 2014 on the file of the learned Judicial Magistrate No.1, Mettur can be quashed as against the third petitioner. A perusal of the complaint prima facie shows that there are materials to proceed against the first and second petitioner and I therefore, find no reason to quash the proceedings as against the petitioners 1 and 2 herein. At this stage, the learned counsel for the petitioners would contend that the petitioners 1 and 2 are senior citizens and they are not able to go over to Mettur to attend the Court. In such circumstances, the personal appearance of the petitioners 1 and 2 are dispensed with. However, they should appear before the concerned Court as and when their presence is required. The learned Judicial Magistrate No.1, Mettur is directed to dispose of the case in DVOP No.7 of 2014, within a period of three months from the date of receipt of a copy of this order.

6. With the above observations, the petition as far as the third petitioner is concerned is allowed and the petition is dismissed as far as the first and second petitioners are concerned. Consequently, Connected miscellaneous petitions are also closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rkp

To

The Judicial Magistrate No.1,
Mettur

copy to:

The Section Officer,
Criminal Section,
High Court, Madras.

+lcc to Mr.R.Ezhilarasan, Advocate in sr.no.38953

+lcc to Mr.S.Doraisamy, Advocate sr.no.38603

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ssv(co)
nr 05/07/2018



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