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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21199 of 2014
and M.P.No.1 of 2014

1.Surendran,
S/o.Late A.Deivasigamani.

2.Sathyabama,
W/o.Late A.Deivasigamani.

3.V.Yogananthan,
S/o.Venkatachala Gounder.

... Petitioners

Vs.

Latha @ Shree Latha,
W/o.Surendran.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., seeking to call for the records pertaining to the proceedings pending D.V.A.No.8 of 2017 on the file of the learned Judicial Magistrate-IV, Tirupur and quash the same.

For Petitioners : Mr.M.Vijayakumaran

For Respondent : Mr.S.Gunalan

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings pending before the Court below in D.V.A.No.8 of 2017 (D.V.A.No.9 of 2014 is amended as D.V.A.No.8 of 2017 as per the order of this Court dated 22.11.2018 in Crl.M.P.No.15599 of 2018). This petition was entertained only insofar as petitioners 2 and 3 are concerned and was dismissed insofar as the 1st petitioner is concerned, by an order dated 20.08.2014.

2.The petitioners 2 and 3 are the mother-in-law and father-in-law of the 1st petitioner. A reading of the entire complaint does not show any cause of action as against the petitioners 2 and 3. That apart, the relief that has been sought for in the



Domestic Violence Petition pertains to the relief against the husband. Therefore, this Court is of the considered view that the petitioners 2 and 3 should not be made to unnecessarily face the proceedings before the Court below.

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3. In the result, this Criminal Original Petition is allowed and the proceedings in D.V.A.No.8 of 2017, on the file of the learned Judicial Magistrate No.IV, Tirupur, is hereby quashed insofar as the petitioners 2 and 3 are concerned. Consequently, connected miscellaneous petition is also closed.

4. The Court below is directed to proceed further with the Domestic Violence petition insofar as the husband is concerned. It is left open to the 1st petitioner to raise all the grounds before the Court below and the same will be considered by the Court below on its own merits and in accordance with law. The Court below is directed to complete the proceedings in D.V.A.No.8 of 2017, within a period of three months from the date of receipt of copy of this order.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rm
To

The Judicial Magistrate IV,
Tirupur.

+1cc to M/S.Vijayakumaran, Advocate sr.79449
+1cc to M/S.S.Gunalan, Advocate Sr.80306

Crl.O.P.No.21199 of 2014
and M.P.Nos.1 & 2 of 2014

srg 28/11/2018