

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.27724 of 2017  
and Crl.MP.Nos.15805, 15806  
& 4268 of 2018

1.Ram Nivas Babu @ Babu

2.N.S.R.Baskara Raju

3.B.Karthiyani

4.B.Muninaga Sathish

5.B.Rajeswari

6.R.Beema Priya

... Petitioners

Vs

G.Pavithra

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the D.V.C.No.11/2017 on the file of the Additional Mahila Court, Chengalpattu, quash the same by allowing this criminal original petition.

For Petitioners : Mr.R.Radha Pandian

For Respondent : Mr.V.Chandrakanthan

ORDER

This Criminal Original Petition has been filed to call for the records relating to D.V.C.No.11/2017 on the file of the Additional Mahila Court, Chengalpattu and quash the same.

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

3. Ram Nivas Babu got married to Pavithra and after two years of their marriage, their relationship got strained resulting in Pavithra initiating proceedings under the

Protection of Women from Domestic Violence Act, 2005 in D.V.C.No.11 of 2017 before the Additional Mahila Court, Chengalpattu against Ram Nivas Babu, his parents Baskara Raju and Karthiyani, his brother Muni Naga Sathish, neighbour Rajeswari and his relative Beema Priya. Challenging the prosecution, the respondents in D.V.C.No.11 of 2017 are before this Court.

4. Heard Mr.R.Radha Pandian, learned counsel for the petitioners and Mr.V.Chandrakanthan, learned counsel for the respondent / wife.

5. On a reading the averments in the complaint in D.V.C.No.11 of 2017, it is seen that Pavithra got married to Ram Nivas Babu on 11.11.2016 and she lived for some time in the joint family household at Sivaganga. However, Ram Nivas Babu was employed in Chennai. It is alleged by Pavithra that her parents-in-law and relatives taunted her frequently and demanded donation for their family temple. She has further stated that she joined her husband at Chennai on 16.12.2016, where they were living in a separate household. It is further alleged by Pavithra that her husband used to frequently visit the house of Beema Priya and when she questioned him about it, he assaulted and deserted her.

6. On a thorough reading of the averments in the complaint, this Court does not find any materials as against Baskara Raju, Muninaga Sathish, Rajeswari and Beema Priya.

7. In such view of the matter, the proceedings against Baskara Raju, Muninaga Sathish, Rajeswari and Beema Priya is quashed.

8. In respect of Ram Nivas Babu and Karthiyani, there are prima facie materials against them for the trial to proceed. Hence, the proceedings against them cannot be quashed and the same shall go on.

9. However, the learned counsel for the petitioners submitted that the presence of Karthiyani before the trial court may be dispensed with as she is 60 years old and she has to come all the way from Sivaganga.

10. Accepting the above submission, Ram Nivas Babu and Karthiyani are directed to appear before the trial Court within a period of two weeks from the date of receipt of a copy of this order and execute a bond for Rs.10,000/- without sureties under Section 88 Cr.P.C. Thereafter, the presence of Karthiyani shall be dispensed with on condition that she engages an advocate and gives an undertaking that she will not dispute her identity; that the counsel engaged by her will cross-examine the

prosecution witnesses on the day they are examined-in-chief, as directed by the Supreme Court in Vinoth Kumar vs. State of Punjab [2015(1) MLJ (Cr1) 288] and that she will not adopt dilatory tactics. If she adopts any dilatory tactics, it is open to the trial Court to insist upon her presence.

11. With the above directions, this petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Asst.Registrar (CS IV )

/true copy/

Sub Asst. Registrar

lok/cad

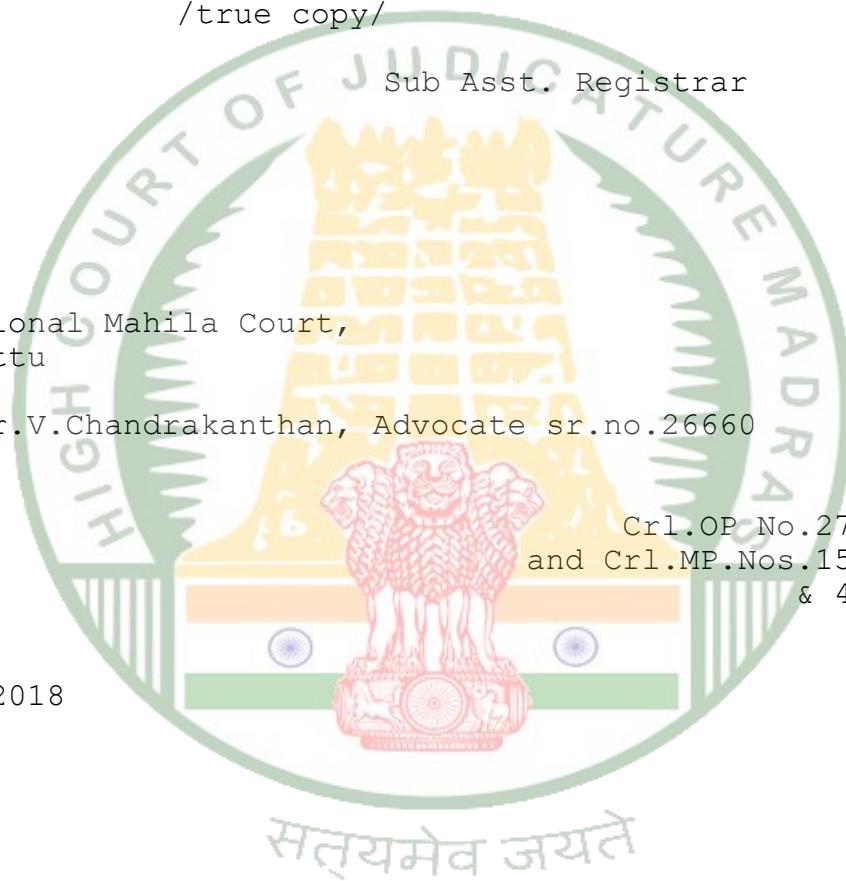
To

The Judge,  
The Additional Mahila Court,  
Chengalpattu

+1cc to Mr.V.Chandrakanthan, Advocate sr.no.26660

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rj(co)  
nr 27/04/2018



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