

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.05.2018

PRONOUNCED ON :16.05.2018

CORAM

THE HONOURABLE TMT.JUSTICE S.RAMATHILAGAM

Crl O.P. No.13402 of 2018

and

Crl.M.P. Nos.7032 of 2018 and 7033 of 2018

1. C. Meena
2. R. Chandrasekar
3. C. Vijayakumar
4. M.Nithya Petitioners

Versus

1. D. Bharani
2. C.Senthil Kumar Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in DVA 02 of 2018 on the file of Judicial Magistrate Court, Omalur and quash the summons.

For Petitioners : Mr.R. Arunkumar

For Respondents : No appearance

ORDER

The petitioners have filed this petition to call for records in Domestic Violence Act case No.02 of 2018 on the file of the learned Judicial Magistrate Court, Omalur and quash the summons.

2. The petitioners have stated that the first and second respondents herein got married which is an arranged marriage by elders of both families. There was so many disputes that arose between them. The first respondent herein did not have the physical capacity, due to which she wilfully refused to

consummate the marriage. The petitioners herein have nothing to do with the disputes between the husband and wife, who are first and second respondents herein. There was no dowry demand by the petitioners. Only to harass these petitioners, the first respondent herein had preferred the complaint intentionally. The third and fourth petitioners do not know any of the problem between the first and second respondents. The first and second petitioners are senior citizens and they are innocent. Further the first petitioner is an aged and ill person and suffering from medical disorders, who is in need of love and care at her condition. The second respondent had already filed a divorce petition against the first respondent before the Family Court, Chennai in O.P. No.4642 of 2017 on 14.11.2017 and the first respondent had filed the Domestic Violence Act complaint only five months after the divorce petition was filed. At that time, none of the petitioners have contact with the first respondent and did not involve in any acts of Domestic Violence Act, nor interfered in the problems between the first and second respondents. Hence, the petitioners sought for the relief that the complaint against the petitioners one and two have to be quashed.

3. The petitioners have also prayed for dispensing with the personal appearance Omalur and to stay all further proceedings in Domestic Violence Act and also to quash the summons in the Domestic Violence Act case No.02 of 2018.

4. On perusal of records, it is observed that a case has been registered before the learned Judicial Magistrate, Omalur under Domestic Violence Act, in which summons have been issued to the petitioners. It is learnt from the records that based on the averments made in the complaint, the above said case has been registered. Only after enquiry of the above said case, the genuineness of the case and the involvement of the petitioners will come to light. Hence, it is for the concerned Court to analyse the fact only after enquiry. If there is any such health condition, which makes the petitioners not comfortable to appear before the Court, the petitioners can very well appear and explain their inability of their appearance, before the concerned Court.

5. Hence at this preliminary stage, without analysing any of the facts regarding the case registered, this Court is not in a position to either quash the summons or to stay the proceedings or dispense with the appearance of the petitioners. It is proper for the petitioners to represent before the concerned Court and sought for necessary relief. Hence, this Court is not

inclined to allow this petition and accordingly this petition is dismissed. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

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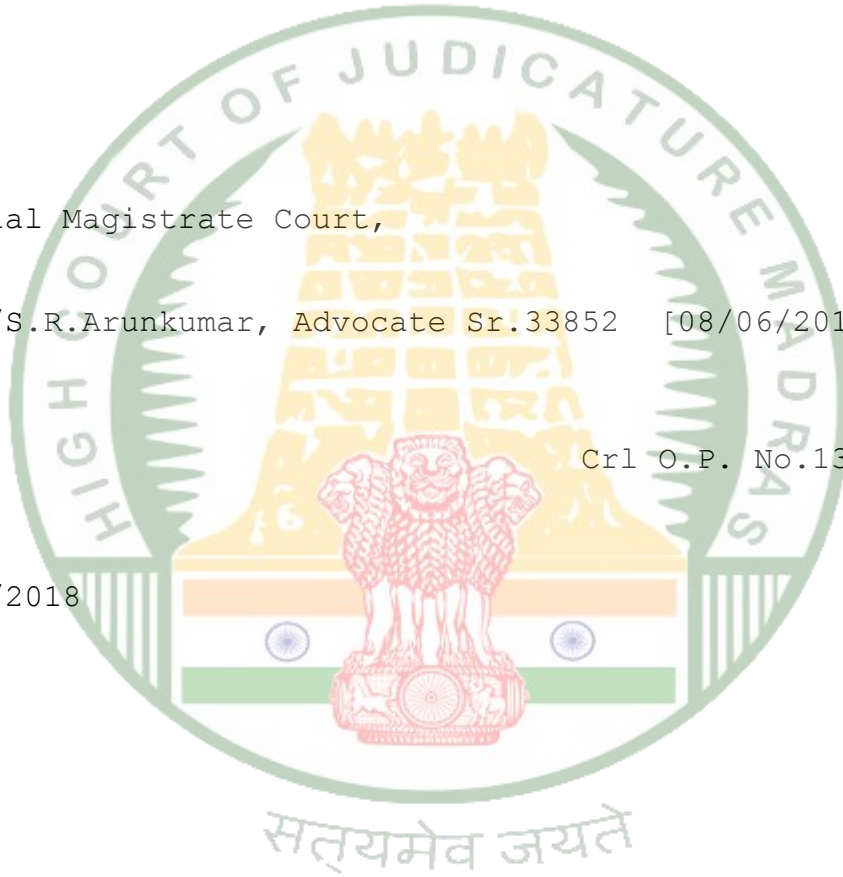
To

The Judicial Magistrate Court,
Omalur.

+1cc to M/S.R.Arunkumar, Advocate Sr.33852 [08/06/2018]

Cr1 O.P. No.13402 of 2018

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srg 07/06/2018



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