

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP No.16793 of 2017

and

Crl.MP Nos.10314 & 10315 of 2017

1.Ajeem Bhek
2.Sulthan
3.Pervin
4.Ameer basha
5.Dawood Basha
6.Syed basha
7.Adham

... Petitioners/Respondents

vs.

Thaherunisha

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in D.V.No.4 of 2017, on the file of the learned Judicial Magistrate No.II, at Villupuram and quash the said proceedings.

For Petitioners : Mr.V.Janarthanan

For Respondent : Mr.G.Mohammed Assef

ORDER

This petition has been filed seeking to quash the D.V..No.4 of 2017, pending on the file of the Judicial Magistrate No.II, at Villupuram.

2.It is seen from the complaint that the 1st petitioner is the husband, the 2nd and 3rd petitioners are the father-in-law and the mother-in-law and the petitioners 4 to 7 are the other in-laws of the respondent.

3.A reading of the entire complaint does not contain any averments or relief as against petitioners 4 to 7. In the considered view of this Court, petitioners 4 to 7 have been

unnecessarily added as parties in the Domestic Violence Petition. It is seen that the entire allegation is as against the 1st petitioner, who is the husband. Insofar as the 2nd and 3rd petitioners are concerned, the complaint only states that they have found fault with the character of the respondent and they have spoken badly about the respondent in front of others. Except for these allegations, there is absolutely no allegation as against the 2nd and 3rd petitioners who are the father-in-law and mother-in-law of the respondent.

4. In the facts and circumstances of the case, the proceedings as against petitioners 4 to 7 in D.V.No.4 of 2017, on the file of the Judicial Magistrate No.II, at Villupuram is hereby quashed. The presence of the 2nd and 3rd petitioners are dispensed with and they shall be represented by a counsel. The 1st petitioner shall be present before the Court below during all the hearing dates. It is left open to the petitioners 1 to 3 to raise all the grounds before the Court below in the course of proceedings and the Court below shall consider the same on its own merits and in accordance with law.

5. In the result, the Criminal Original Petition is partly allowed, and the proceedings as against the petitioners 4 to 7 in D.V.No.4 of 2017, on the file of the Judicial Magistrate No.II, at Villupuram, is hereby quashed. Petitioners 1 to 3 alone shall face the proceedings before the Court below. However, as stated above, the presence of the 2nd and 3rd petitioners are dispensed with before the Court below and they shall present only as and when required by the Court below.

6. The Court below is directed to complete the proceedings in D.V.No.4 of 2017, on the file of the Judicial Magistrate No.II, at Villupuram, within a period of two (2) months from the date of receipt of a copy of the order.

Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KP

To

The Judicial Magistrate No.II,
Villupuram.

+1 cc to Mr.G.Mohammed Aseef, Advocate Sr.No.77492

Crl.O.P. No.16793 of 2017

RJI
CSL/30.11.2018



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