

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.12.2018
CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.19649 of 2017

And

CRL.M.P.Nos.11856 & 11857 of 2017 & 3404 of 2018

1.Nataraj

2.Jayakumari

...Petitioners

Vs.

Abirami

...Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pending on the file of the learned Judicial Magistrate II, Hosur, Krishnagiri District in D.V.No.2 of 2017 and quash the Criminal proceedings.

For Petitioners : Mr.E.Kannadasan

Respondent : Mr.S.Ravee Kumar

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V. No.2 of 2017, pending on the file of the learned Judicial Magistrate II, Hosur, Krishnagiri District.

2. The petitioners are the father-in-law and mother-in-law of the respondent. The respondent has filed a petition under the Domestic Violence Act against her husband, father-in-law and mother-in-law seeking for the relief under Sections 18, 20 and 22 of the Domestic Violence Act.

3.The learned counsel for the petitioner would submit that the father-in-law and the mother-in-law have been unnecessarily added as respondents in the proceedings and the real dispute is between the respondent and her husband. The learned counsel would further submit that the husband of the respondent filed a petition for restitution of conjugal rights and in spite of the same, the respondent refused to come and live with her husband in the matrimonial home. The learned counsel would further submit that the allegations made in the petition, do not make out a case against the petitioners

and therefore, the same requires interference by this Court under Section 482 of Cr.P.C.

4.The learned counsel for the respondent would submit that sufficient allegations have been made in the petition both against the husband as well as the in-laws and therefore, there is no ground to interfere with the proceedings at this stage. The learned counsel would further submit that the respondent had undergone domestic violence and had suffered in the hands of her husband and the petitioners herein and therefore, the domestic violence petition has been filed against the husband and the in-laws.

5.This Court has carefully considered submissions made on either side.

6. Sufficient allegations have been made against the petitioners in the petition filed by the respondent before the court below. This Court is not in a position to assess the truth or otherwise of the allegations made in the petition and it requires appreciation of evidence. Therefore, this Court cannot interfere with the proceedings at this stage.

7. The learned counsel for the petitioner would submit that the petitioners are senior citizens and therefore, their presence can be dispensed with.

8. Considering the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel. The counsel representing the petitioners shall cross-examine the witnesses on the same day they are examined-in-chief.

9.The Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in D.V.No.2 of 2017 within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

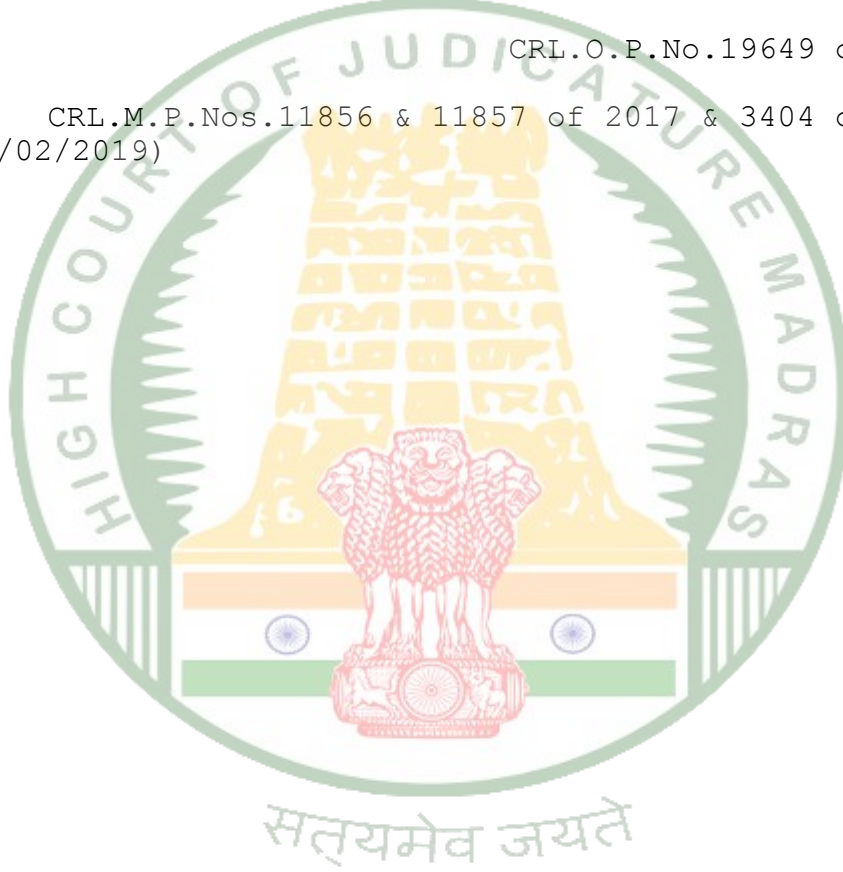
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To

1. The Judicial Magistrate II, Hosur,
Krishnagiri District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Kannadasan , Advocate SR.No.85654
+1cc to Mr.S.Ravee Kumar , Advocate SR.No. 86111

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And
CRL.M.P.Nos.11856 & 11857 of 2017 & 3404 of 2018
A.SK(11/02/2019)



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