



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.[MD].No.1092 of 2014
and
M.P.[MD].Nos.2 and 3 of 2014

1.Abdul Aziz
2.Mohammed Iqbal
3.Seeni Syed Beevi
4.Aisha Banu
5.Mohabath Nisha

: Petitioners / Respondents 1 to 5

Vs.

J.Yasmin Rani

: Respondent / Petitioner

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records and quash the petition in D.V.A.No.53 of 2013, on the file of the learned Judicial Magistrate No-I, Sivagangai.

For Petitioners : Mr.S.M.A.Jinnah
For Respondent : No Appearance

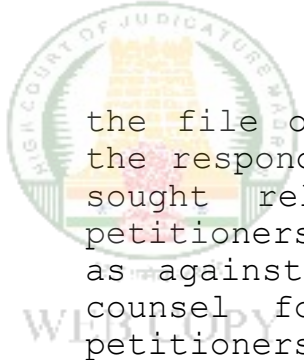
ORDER

The Criminal Original Petition has been filed seeking to quash the proceedings in D.V.A.No.53 of 2013, on the file of the learned Judicial Magistrate No.1, Sivagangai.

2. The learned counsel for the petitioner would submit that the procedures laid down under Sections 12(3) and 13 of the Domestic Violence Act, a present complaint has been taken cognizance by the learned Judicial Magistrate No-I, Sivagangai. He would further submit that there is no specific allegations as against the petitioners and all the allegations are vague. There is absolutely no overt act as against the petitioners 2 to 5 and they are no way connected with the alleged occurrence as alleged by the de-facto complainant. He would further submit that the respondent herein, after filing the Domestic Violence complaint on 11.07.2018, got married with one Sathishkhan S/o. Mohammed Kani and also he produced the certificate of registration of marriage issued by Valajha Navab Joom-Aa Pallivasal, Nikhah Registration Book, Sivagangai.

3. No one appeared on behalf of the respondent.

4. It is seen from the proceedings in D.V.A.No.53 of 2013, on



the file of the learned Judicial Magistrate No-I, Sivagangai that the respondent herein being the wife of the first petitioner herein sought relief as against the petitioners. Insofar as the petitioners 2 to 5 are concerned, there is no specific allegations as against the petitioners 2 to 5 herein. Further, the learned counsel for the petitioner would submit that as far as the petitioners 2 to 5 are concerned, they are no way connected with the allegations as alleged by the respondent herein. Insofar as the first petitioner is concerned, he should face the trial.

5. Considering the above submissions made by the learned counsel for the petitioner, the proceedings in D.V.A.No.53 of 2013 is quashed as against the petitioners 2 to 5 alone. This Criminal Original Petition is dismissed as far as the first petitioner is concerned. Further, the learned Judicial Magistrate No-I, Sivagangai is directed to complete all the proceedings in D.V.A.No.53 of 2013, within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, this Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (ACCOUNTS)

// True Copy //

Sub Assistant Registrar (CS-III)

To

The Judicial Magistrate No.I,
Sivagangai.

+1cc to Mr.S.M.A.Jinna, Advocate, Sr.No.83506.

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sj1

RAM-KK/RSK/SAR 3/06.12.2018/2P/3C