



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Cr1.O.P.(MD).No.11398 of 2017

and

Cr1.M.P.(MD).Nos.7822 & 7823 of 2017

1.Raja Thevar @ Veraputhira Thevar

2.Mookammal

3.Revathi

...Petitioners /Respondents 1 to 3

Vs.

Maheswari

...Respondent / Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the private complaint in D.V.O.P.NO.4 of 2017, dated 06.07.2017, filed under Sections 12, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005, on the file of the learned Judicial Magistrate, Vilathikulam, Thoothukudi District and quash the same.

For Petitioners

: Mr.M.Maran

For Respondent

: Mrs.Lakshmi Gopinathan

for Polax Legal Solution

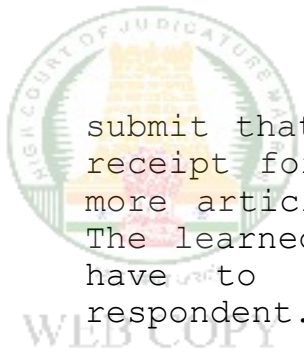
ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in DVOP.No.4 of 2017, on the file of the learned Judicial Magistrate, Vilathikulam, Thoothukudi District. The petitioners are the in-laws of the respondent.

2.It is seen from the records that the respondent was married to one Marimuthu, who is the son of the first and the second petitioners on 11.04.2016. Therefore, the respondent and the said Marimuthu were living at Thulasipatti. Thereafter, there was a misunderstanding between the respondent and Marimuthu and the said Marimuthu committed suicide on 09.04.2017. An F.I.R. was also registered in Crime No.23 of 2017, under Section 174 Cr.P.C.

3.The learned counsel appearing for the petitioners would submit that after the death of the Said Marimuthu, the father of the respondent had taken all the seethana articles belonged to the respondent and a receipt was also given by the father of the respondent on 18.05.2017. Thereafter, the present DVOP has been filed against the petitioners claiming for various reliefs.

4.The learned counsel appearing for the respondent would submit that even though her husband died, the petitioners are duty bound to maintain the respondent. The learned counsel would further



submit that even though the father of the respondent had given the receipt for having got back the seethana articles, there are some more articles, which will have to be returned by the petitioners. The learned counsel would further submit that the petitioners will have to pay compensation for the cruelty committed by the respondent.

5.This Court has carefully considered the submissions made on either side. It is seen from the records that the respondent and her husband viz., Marimuthu were living at Thulasipatti and the petitioners were not living along with them. Thereafter, the said Marimuthu died on 09.04.2017, by committing suicide. Subsequently, the father of the respondent has also acknowledged the receipt of all the seethana articles. Thereafter, the respondent has chosen to file a petition under the Domestic Violence Act against the petitioners herein

6.The petitioners herein are not duty bound to maintain the respondent, that apart, the property belongs to the first petitioner and therefore, the respondent cannot claim for a shared house hold. Insofar as the seethana properties are concerned, the father of the respondent has acknowledged receipt of the same. The other relief seeking for compensation against the petitioners is totally unsustainable.

7.This Court finds that the petition filed by the respondent is clearly abuse of process of Court. Therefore, this Court has to necessarily exercise its jurisdiction under Section 482 Cr.P.C. in the interest of justice and in view of the same, the proceedings in DVOP.NO.4 of 2017, on the file of the learned Judicial Magistrate, Vilathikulam, is, hereby, quashed.

8.Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar(CS-IV)

To

- 1.The Judicial Magistrate, Vilathikulam, Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.M.MARAN, Advocate, SR.No.88263
+1cc to Mr.M.PRABU, Advocate, SR.No. 88408

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