IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.1633 of 2015
and
M.P No.1 and 2 of 2015

1.J.K.Johnson
2.John M.Kandasamy
3.Lydial K.Sarasu
4.Dr.J.K.Daniel Aruldass
5.Esther Daniel ...Petitioners

Vs.

P.Angel Pricilla Rajeswari ...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in D.V.A No.12 of 2014 on the file of the Judicial Magistrate-II, Pollachi and quash the same.

For Petitioners : Mr. R.C.Paul Kanagaraj
For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.A No.12 of 2014 initiated by the respondent under the Domestic Violence Act.

2. The petitioners 1 to 4 are husband, father-in-law, mother-in-law and brother-in-law of the respondent. The 5th petitioner is the wife of the 4th petitioner.

3. It is seen from the records that the petitioners 2 to 5 were living separately and the respondent is living with her husband /1st petitioner and therefore, no domestic violence can be attributed as against the petitioners 2 to 5. The respondent has not made any specific allegations against the petitioners 2 to 5 except for certain general allegations and certain specific averments have been made by the respondent only

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against the 1st petitioner. Even in the absence of a domestic relationship with the respondent, the petitioners 2 to 5 have been roped in a domestic violence petition.

4. Heard the learned counsel for the petitioners and there was no appearance for the respondent.

5. In the considered view of this Court, the 1st petitioner has to necessarily face the proceedings before the Court below. In-so-far-as the petitioners 2 to 5 are concerned, the entire proceedings is an abuse of process of Court and the same requires interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

6. In the result, the proceedings in D.V.A No.12 of 2014 on the file of the Judicial Magistrate-II, Pollachi is quashed insofar as the 2nd and 3rd petitioners are concerned and the same is dismissed insofar as the 1st petitioner is concerned. It is left open to the respondent to proceed further to prosecute the domestic violence petition as against the husband / 1st petitioner.

7. This Criminal Original Petition is partly allowed and there shall be a direction to the Judicial Magistrate-II, Pollachi to dispose of the proceedings in D.V.A No.12 of 2014 as against the husband/1st petitioner within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To
The Judicial Magistrate-II,
Pollachi.

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A.SK(06/09/2019)

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