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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2019

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.OP No.2281 of 2013
and M.P.No.1 of 2013

1. K.Govindan
2. G.Amsaveni ... Petitioners/Respondents 2 & 3

Vs.

S.Hema Sankari ... Respondent/Petitioner

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the Petition in D.V.A.No.33 of 2012 on the file of the learned Judicial Magistrate No.VI, Coimbatore and quash the same.

For Petitioners : Mr.R.Selvakumar

For Respondent : Mr.M.R.Jothimanian

ORDER

This criminal original petition has been filed seeking to quash the proceedings in D.V.A.No.33 of 2012 on the file of the learned Judicial Magistrate No.VI, Coimbatore.

2 The respondent has filed a case before the learned Judicial Magistrate No.VI, Coimbatore, under Domestic Violence Act in D.V.A.No.33 of 2012, in which the petitioners herein were arrayed as respondents 2 & 3. During pendency of the above case, the petitioners herein approached this Court to quash the proceedings in the domestic violence case invoking Section 482 of Cr.P.C.

3 The learned counsel appearing for the petitioners would submit that the petitioners are only in-laws of the respondent and they are nothing to do with the domestic violence case. Even as per Section 2(f) of Domestic Violence Act, in-laws cannot be prosecuted. Therefore the learned counsel prays to quash the proceedings against the petitioners herein in the above domestic violence case.

4 The learned counsel appearing for the respondent would submit that the respondent has made specific allegations



against these petitioners also in the petition filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005. Hence the petitioners are also liable to face the proceedings.

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5 Heard the learned counsel appearing on either side and perused the materials available on record.

6 On reading of the complaint filed by the respondent before the learned Judicial Magistrate No.IV, Coimbatore, under Section 12 of the Protection of Women from Domestic Violence Act, 2005, it reveal that the respondent has made specific allegations against these petitioners. Since there is prima facie allegations against these petitioners, this Court is not inclined to invoke power under Section 482 of Cr.P.C and quash the proceedings. There is no ground to allow this petition. The petitioners can very well establish their defence before the trial Court during the trial.

7 In the result, the criminal original petition is dismissed. Consequently connected miscellaneous petition is closed. However, since the domestic violence case is pending from the year 2012, the learned Judicial Magistrate No.IV, Coimbatore, is directed to dispose of the case in D.V.A.No.33 of 2012 in accordance with law within a period of three months from today.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.VI,
Coimbatore.
- 2.-Do- Thro The Chief Judicial Magistrate,
Coimbatore.

+1cc to Mr.R.Selvakumar, Advocate Sr.96212
+1cc to Mr.M.R.Jothimanian, Advocate Sr.96284

Cr1.OP No.2281 of 2013
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