



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.2459 of 2013 and
M.P.No.1 of 2013

1. Devalingam
2. Jothibai
3. Vasuki

...Petitioners/ Respondents2 to 4
Vs.

P.Sudha

.. Respondent/ Petitioner

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. Praying to call for the entire records in connection with M.C.No.7 of 2012 on the file of the learned Judicial Magistrate No.II, Puducherry and quash the same insofar as the petitioners herein are concerned.

For Petitioners : Ms.P.V.Rajeswari
For Respondent : No Appearance

ORDER

This criminal original petition has been filed seeking to quash the proceedings in M.C.No.7 of 2012 on the file of the learned Judicial Magistrate No.II, Puducherry insofar as the petitioners herein are concerned.

2 The respondent herein filed a case against the petitioners, who are her in-laws and her husband in M.C.No.7 of 2012 before the learned Judicial Magistrate No.II, Puducherry. During pendency of the above case, the petitioners have filed this petition seeking to quash the same as against the petitioners herein.

3 The learned counsel appearing for the petitioners would submit that the petitioners herein are only in-laws and they are nothing to do with the allegations made by the respondent, which comes under Domestic Violence Act. Further they are living separately and even there is no specific allegations against them and the respondent has made allegations only against her husband, who is not before this Court.

4 When the matter is taken up for hearing, none appeared on behalf of the respondent. Heard the learned counsel appearing for the petitioners and perused the materials available on record.



5 It is contended by the learned counsel for the petitioners that there is no specific allegations against these petitioners, who are only in-laws of the respondent. But, on reading of the petition filed by the respondent, it reveal that there is allegations against these petitioners also and further 3rd prayer in that petition is specifically to restraining the respondents therein, who are petitioners herein, from committing any harm to the petitioner and her children. Since it is a matrimonial dispute and considering the facts and circumstances of the case, this Court is not inclined to invoke power under Section 482 of Cr.P.C and quash the above case. However, the learned counsel for the petitioners prayed to dispense with the personal appearance of the petitioners. Since the case in M.C.No.7 of 2012 is pending from the year 2013 before the Court below, the petitioners are at liberty to approach the Court, below seeking the prayer of dispense with of their personal appearance and on such approach, the Court below may consider the same liberally in accordance with law.

6 In the result, this criminal original petition is dismissed. Consequently connected miscellaneous petition is closed. The learned Judicial Magistrate No.II, Puducherry, is directed to dispose of the case in M.C.No.7 of 2012 within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate No.II, Puducherry.

+lcc to Ms.P.V.Rajeswari , Advocate SR.No. 97752

+lcc to Mr.G.Vinoth kumar , Advocate SR.No. 99749

Cr1.O.P.No.2459 of 2013 and
M.P.No.1 of 2013

A.SK(13/12/2019)