

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.03.2019
CORAM:
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No. 20258 of 2015
and M.P.Nos. 1 & 2 of 2015

M.Krishnamurthy

... Petitioner

Vs.

K.Suguna

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and to quash the proceedings in D.V.A.No. (*)27 of 2014 pending before the learned Judicial Magistrate No.2, Coimbatore.

For Petitioner : Mr.Sesubalan Raja

For Respondent : No appearance

O R D E R

This petition has been filed to quash the proceedings in D.V.A.No. (*)27 of 2014, filed by the respondent, of the file of the learned Judicial Magistrate No.2, Coimbatore.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the husband of the respondent. The respondent filed domestic violence complaint as against the petitioner and sought for relief under Sections 18 to 20 of Domestic Violence Act. He further submitted that the petitioner got married with the respondent on 03.04.2006 on R.S.Puram, Rathina Vinayagar Temple, Coimbatore. Thereafter due to misunderstanding between them the petitioner/husband filed divorce petition in H.M.O.P.No.551 of 2010 on the file of the Family Court, Coimbatore on the ground of cruelty as against the respondent/wife. After receipt of the notice in divorce petition, the respondent/wife was not entered appearance and as such, the respondent/wife set exparte on 31.03.2011 and the Family Court, Coimbatore decreed the H.M.O.P.NO.551 of 2010 by an order dated 19.05.2011. Thereafter the petitioner got remarriage in the year 2013 and living separately. Therefore, the respondent had no connection with the petitioner herein. By suppressing the above facts, the respondent/wife presented the complaint claiming so many relief under the Domestic Violence Act. Therefore, he prayed for quashment of the proceeding.

3. Heard Mr. P. Sesubalan Raja, learned counsel appearing for the petitioner. None appeared on behalf of the respondent.

4. This petition has been filed to quash the proceeding initiated under the Domestic Violence Act by the respondent/wife. It is seen that the petitioner got married the respondent in the year 2006. Thereafter he filed divorce petition in HMOP.551 of 2010, in which the Family Court decreed the divorce petition by an order dated 19.05.2011. Thereafter, the petitioner got married with another women and living separately. Suppressing the above facts, the respondent filed petition seeking relief under Sections 18 to 20 of Domestic Violence Act. It is nothing but clear abuse of process of Court. Therefore, the complaint cannot be sustained as against the petitioner.

5. It is also seen that even after receipt of the notice of this Court, the respondent did not appear before this Court an it shows that she has no interest to proceed further the case filed under Domestic Violence Act.

6. In view of the above discussions, this Criminal Original Petition stands allowed and the proceedings in D.V.A.No.(*)27 of 2014, of the file of the learned Judicial Magistrate No.2, Coimbatore is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

**(*)Amended as per Order
dated 03.01.2020
CMP.No.19086/2019 in
Cr1.OP.NO.20258/2015**

//True Copy//

Sd/-
Assistant Registrar(IV)

Sub Assistant Registrar

rts

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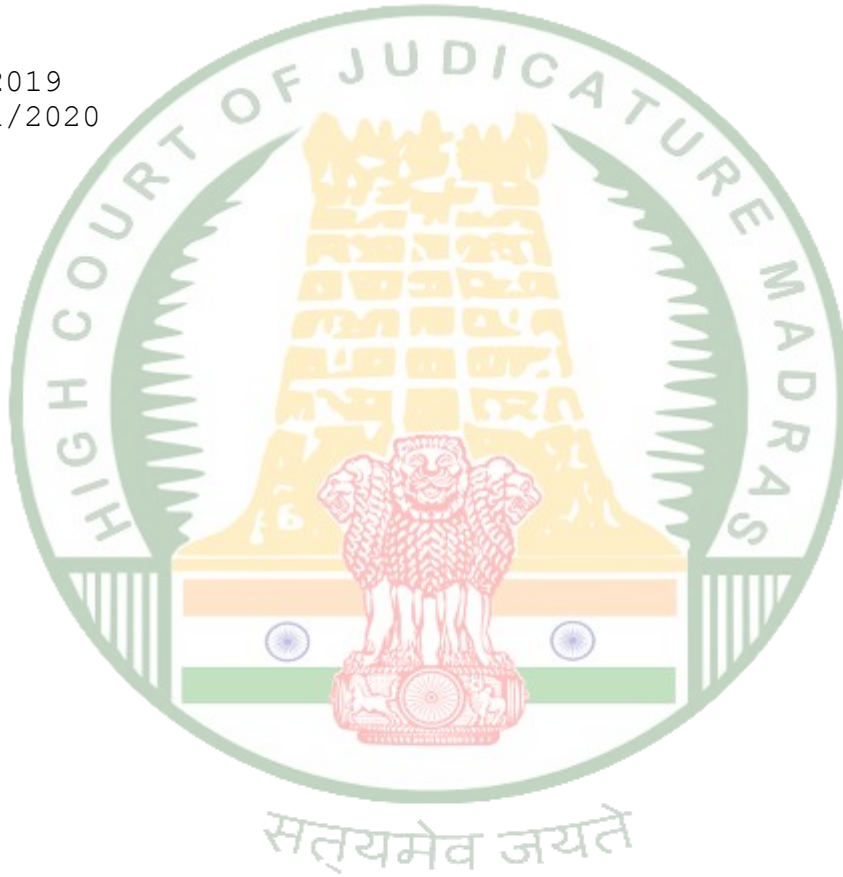
To

1. The Judicial Magistrate Court No.2,
Coimbatore.

Order to be substituted
for the order already
despatched on 05/08/2019

CRL.O.P.No. 20258 of 2015
and M.P.Nos. 1 & 2 of 2015

rr(co)
nr 20/06/2019
CSR: 08/01/2020



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