

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P Nos.903, 3754, 15685 of 2019,
and
Crl.M.P Nos.583, 2344, 7790 and 7791 of 2019

Jagadeesh Alagundagi ...Petitioner in
Crl.O.P No.903 of 2019

1.Rathina Alagundagi
2.Annapurni Alagundagi ...Petitioners in
Crl.O.P No.3754 of 2019

Mani Alagundagi ...Petitioner in
Crl.O.P No.15685 of 2019

Vs.

Victoria Sahaya Rani ...Respondent in
all Crl.O.Ps.

COMMON PRAYER in all Crl.O.Ps: Criminal Original Petitions
filed under Section 482 of Criminal Procedure Code, to call for
the records in D.V.C No.19 of 2018 pending on the file of the
learned Judicial Magistrate No.III, Puducherry and quash the
same.

For Petitioners: Mr.Senthilkumar V.S
in all Crl.O.Ps

For Respondent : No Appearance
in all Crl.O.Ps

ORDER

The petitioners who are the husband and the in-laws of the
respondent have filed these petitions seeking to quash the
proceedings initiated by the respondent under the Domestic
Violence Act.

2. The learned counsel for the petitioners submitted that
the very proceedings is an abuse of process of Court since the
respondent has already filed a divorce petition in M.O.P No.160
of 2018 before the Family Court, Puducherry and the Family

Court, Puducherry by a judgment and decree dated 15.05.2018, had dissolved the marriage between the petitioner in Crl.O.P No.15685 of 2019 and the respondent. After obtaining a decree of divorce, the respondent has filed the domestic violence petition before the Court below in June 2018. The learned counsel further submitted that the Court below ought not to have entertained the petition since the marriage itself has been dissolved on 15.05.2018.

3. The respondent has been served and her name has also been printed in the cause list. However, there is no representation for the respondent.

4. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that the proceedings initiated by the respondent is an abuse of process of Court, more particularly, since the respondent had filed a divorce petition and had obtained divorce by judgment and decree dated 15.05.2018.

5. In the result, the proceedings in DVC No.19 of 2018 on the file of the learned Judicial Magistrate No.III, Puducherry is hereby quashed and all these Criminal Original Petitions are allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.III,
Puducherry.

2.do Thro The Chief Judicial Magistrate,
Puducherry.

+1cc to Mr.Senthilkumar V.S, Advocate sr.62107

CRL.OP.Nos.903, 3754, 15685 of 2019
and

Crl.M.P.Nos.583,2344, 7790 and 7791 of 2019

ss(co)
nr 19/09/2019