

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.4036 of 2015

and

M.P.No.1 of 2015

1.S.Srinivas
2.Indirani
3.S.Nithya
4.S.Nirmala
5.Shankar

...Petitioners

(This Criminal Original Petition is dismissed as withdrawn insofar as the petitioners 1 to 3 are concerned as per the order dated 20.02.2015 made in M.P.No.2 of 2015)

Vs.

N.Vinothini

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the M.C No.18 of 2014 on the file of the Judicial Magistrate Court No.II, Coonur and quash the same.

For Petitioners : Mr. B.Kumarasamy

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V No.18 of 2014 initiated by the respondent under the Domestic Violence Act.

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

3. It is seen from the records that the petitioners were living separately and the respondent was living with her husband and therefore, no domestic violence can be attributed as against the petitioners. The respondent has not made any specific allegations against the petitioners except for certain general

allegations. Even in the absence of a domestic relationship with the respondent, the petitioners have been roped in the domestic violence petition.

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

5. This petition has already been dismissed as withdrawn insofar as the petitioners 1 to 3 are concerned on 20.02.2015, by this Court.

6. In the facts and circumstances, this Court is of the considered view that the proceedings as against the petitioners 4 and 5 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.

7. In the result, the proceedings in M.C No.18 of 2014 on the file of the Judicial Magistrate No.II, Coonur is quashed insofar as the 4th and 5th petitioners are concerned. It is left open to the respondent to proceed further to prosecute the domestic violence petition as against the other respondents.

8. This Criminal Original Petition is partly allowed and there shall be a direction to the Judicial Magistrate No.II, Coonur to dispose of the proceedings in M.C No.18 of 2014 as against the other respondents, 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(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate Court No.II,
Coonur.

2.do Thro Chief Judicial Magistrate,
Coimbatore.

+lcc to Mr. B.Kumarasamy, Advocate sr.63659

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nr 18/09/2019