



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.4568 of 2015
and
MP.No.1 of 2015

1.Mrs.Vijaya
2.Mr.Mani

... Petitioners

.Vs.

R.Srilakshmi

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records of the case in M.C.No.10 of 2014, pending on the file of the learned Judicial Magistrate No.III, Puducherry and quash the same.

For Petitioners : Mr.G.Senthilkumar
For Respondent : Mr.J.Kumaran
Government Advocate
Puducherry

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in M.C.No.10 of 2014, pending on the file of the learned Judicial Magistrate No.III, Puducherry.

2.The respondent has initiated proceedings against the petitioner under the Domestic Violence Act. The petitioners are the in-laws of the respondent.

3.The learned counsel for the petitioners submitted that there are absolutely no specific allegations against the petitioners and they have been unnecessarily roped in the proceedings. Th learned counsel also submitted that the respondent has already filed a divorce petition before the Family Court at Puducherry in MOP No.146 of 2014, against the son of the petitioners and the Family Court by judgment and decree dated 15.10.2014, has dissolved the marriage. After the



WEB COPY

dissolution of the marriage, the respondent has proceeded to initiate proceedings against her husband and in-laws under the Domestic Violence Act. The learned counsel therefore submitted that the proceedings before the Court below is an abuse of process of Court.

4. There is no representation for the respondent.

5. In the facts and circumstances of the case, this Court is convinced that there are absolutely no materials available as against the petitioners who are the in-laws of the respondent. The respondent having obtained a decree of divorce against the son of the petitioners on 15.10.2014, has proceeded to initiate proceedings under the D.V. Act, and in the considered view of this Court, the proceedings itself is an abuse of process of Court.

In the result, the proceedings in M.C.No.10 of 2014, pending on the file of the Judicial Magistrate No.III, Puducherry, is hereby quashed and accordingly this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KP
To
Judicial Magistrate No.III,
Puducherry.

+1cc to Mr.K.N.Senthil kumar , Advocate SR.No. 64902

Cr1.O.P.No.4568 of 2015

A.SK(29/08/2019)