



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.6416 of 2015

and

MP.No.1 of 2015

1.Manjula

2.Saravanan

...Petitioners

-Vs-

Uma Lurthumeri

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records and quash all the proceeds against the petitioners in M.C.No.16 of 2014, on the file of the Judicial Magistrate Court, Ranipet, Vellore District.

For Petitioners : Mr.B.Vasudevan

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in M.C.No.16 of 2014 initiated by the respondent under the Domestic Violence Act.

2.Petitioners are the sister-in-law and her husband of the respondent.

3. The respondent has been served with the notice and her name has also printed in the cause list. However, there is no representation for the respondent. Therefore, this Court proceeded to decide this petition on merits.

4. Heard the learned counsel for the petitioners.

5. It is seen from records that these petitioners were living separately and the respondent is 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, these petitioners have been roped in a



domestic violence petition.

6. In the facts and circumstances, this Court is of the considered view that the proceedings as against the petitioners 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 MC.No.16 of 2014, on the file of the learned Judicial Magistrate Court, Ranipet, Vellore, is quashed insofar as the present petitioners are concerned. It is left open to the respondent to proceed further to prosecute the domestic violence petition as against the other parties in the domestic violence petition.

8. This Criminal Original Petition is allowed and there shall be a direction to the learned Judicial Magistrate Court, Ranipet, Vellore, to dispose of the proceedings in MC.No.16 of 2014, as against the other parties, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

Kp

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.Judicial Magistrate Court,
Ranipet, Vellore District.

2. -Do- Thro' The Chief Judicial Magistrate,
Vellore District.

CrI.O.P.No.6416 of 2015

Kak(17/09/2019)