

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.671 of 2015

and

M.P.No.1 of 2015

1.A.Manikandan
2.A.Anbalagan
3.Sakthi

....Petitioners/Respondents

Vs.

K.Umavathi

...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the case in D.V.O.P No.62 of 2014 on the file of the Judicial Magistrate, Additional Mahila Court, Salem and quash the same.

For Petitioners : Mr. K.A.Ravindrann

For Respondent : M/s.V.Ramana Reddy

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P No.62 of 2014 initiated by the respondent under the Domestic Violence Act.

2. These petitioners are husband, father-in-law and mother-in-law of the respondent.

3. It is seen from the records that the 2nd and 3rd petitioners were living separately and the respondent is living with her husband /1st petitioner and therefore, no domestic violence can be attributed as against the 2nd and 3rd petitioners. The respondent has not made any specific allegations against the 2nd and 3rd petitioners except for certain general allegations and certain specific averments have been made by the respondent only against the 1st petitioner. Even in the absence of a domestic relationship with the respondent, the 2nd and 3rd petitioners have been roped in a domestic violence petition.

4. Heard the learned counsel for the petitioners and the respondent.

5. In the considered view of this Court, the 1st petitioner has to necessarily face the proceedings before the Court below. In-so-far-as the 2nd and 3rd petitioners are concerned, the entire proceedings 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.

6. In the result, the proceedings in D.V.O.P No.62 of 2014 on the file of the Judicial Magistrate, Additional Mahila Court, Salem is quashed insofar as the 2nd and 3rd petitioners are concerned and the same is dismissed insofar as the 1st petitioner is concerned. It is left open to the respondent to proceed further to prosecute the domestic violence petition as against the husband / 1st petitioner.

7. This Criminal Original Petition is partly allowed and there shall be a direction to the Judicial Magistrate, Additional Mahila Court, Salem to dispose of the proceedings in D.V.O.P No.62 of 2014 as against the husband/1st petitioner 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

//True Copy//

Sub Assistant Registrar

uma
To

The Judicial Magistrate,
Additional Mahila Court,
Salem.

+1cc to Mr.K.A.Ravindran, Advocate Sr.64118

Crl.O.P.No.671 of 2015
and
M.P No.1 of 2015

ks[co]
srg 09/09/2019