

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.6617 of 2013 and
M.P.Nos.1 & 2 of 2013

1. E.Balaji
2. Narmatha
3. M.Elangovan
4. Srimathi

... Petitioners

Vs.

1. Kavitha
2. The Protection Officer,
District Social Welfare Department,
Office of the District Collector,
Thiruvannamalai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the proceedings pending enquiry in M.C.No.14 of 2012 on the file of the learned Judicial Magistrate, Polur and quash the same.

For Petitioners : Mr.V.Subramani
For Respondents : Mr.B.Gopalakrishnan for R1
- No Appearance
Mr.R.Raghavan
Govt. Advocate (Crl.Side) for R2

ORDER

This criminal revision has been filed seeking to quash the the proceedings in M.C.No.14 of 2012 pending on the file of the learned Judicial Magistrate, Civil Judge (Junior Division), Polur.

2 The learned counsel appearing for the petitioners would submit that the first petitioner is husband of first respondent and petitioners 2 to 4 are in-laws. The first respondent has filed the above case with false allegations and the petitioners 2 to 4, being in-laws and living separately are nothing to do with the domestic violence against the first respondent. The petitioner/ husband has filed a petition seeking divorce and the first respondent after receiving the notice in the divorce petition, has filed the present case against the petitioners and decree of divorce has also granted in favour of the first

petition. Further the second respondent without giving any reasonable opportunity, withing 10 days from the date of receipt of the complaint, has filed the report before the Magistrate. Therefore, the case in M.C.No.14 of 2012 is liable to be quashed.

3 Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the second respondent.

4 It is seen that the first respondent has made allegations against the petitioners before the second respondent and the second respondent has also filed report on the same before the Magistrate. It is contended by the learned counsel for the petitioners that divorce has been granted in favour of the first petitioner, but, subsequent grant of divorce will not take away the offence committed by the petitioners, which falls under Domestic Violence Act. The petitioners can very well establish their defence before the Magistrate. This Court does not find any reason to invoke power under Section 482 of Cr.P.C quashing the above case.

5 In the result, the criminal original petition is dismissed. Consequently connected miscellaneous petitions are closed. However, the petitioners are at liberty to raise their defence before the Magistrate.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate, Polur.
2. The Protection Officer,
District Social Welfare Department,
Office of the District Collector, Thiruvannamalai.
3. The Public Prosecutor, High Court of Madras.

+1 cc to M/s.V.Subramani,Advocate Sr.No. 96344

AKM/13.12.19/2P- 5C /

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