



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.7703 of 2015

and MP.No.1 of 2015

1.V.Sharumathy

2.G.Vengadesan

...Petitioners/Respondents 2 & 3

-Vs-

P.Anitha

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in MC.No.10/2014, on the file of the Judicial Magistrate II, Civil Judge (Junior Division), Puducherry, and to quash the same.

For Petitioners : Mr.K.S.Karthik Raja

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in MC.10/2014, initiated by the respondent under the Domestic Violence Act.

2. The 1st petitioner is stated to have illegal relationship with the husband of the respondent and the 2nd petitioner is the father of the 1st petitioner.

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 the petitioners and the respondent were lived together in a shared household and therefore, no domestic relationship as against the petitioners 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 these petitioners except for certain general allegations. Even in the absence of a domestic relationship with the respondent, the 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 these petitioners are 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.10/2014, on the file of the learned Judicial Magistrate II, Civil Judge (Junior Division), Puducherry 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 husband in the domestic violence petition.

8. This Criminal Original Petition is allowed and there shall be a direction to the learned Judicial Magistrate II, Civil Judge (Junior Division), Puducherry to dispose of the proceedings in MC No.10 of 2014, as against the husband 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

To

The Judicial Magistrate II,  
Civil Judge (Junior Division), Puducherry.

+1 cc to M/s.K.S.Karthik Raja, Advocate Sr.No. 64812

AKM/ 28.08.19/ 2P- 3C/

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