

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.8780 of 2013 and
M.P.Nos.1 & 2 of 2013

1. Nalini
2. Jayashree

... Petitioners/Respondents 4 & 5

Vs.

S.Brindha Devi ... Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in D.V.A.No.1 of 2013 on the file of the learned Judicial Magistrate No.I, Pollachi, Coimbatore District and quash the same.

For Petitioners : Mr.C.Veeraraghavan
For Respondent : Mr.R.Kolanchinathan- No Appearance

ORDER

The respondent herein filed a case under the Protection of Women from Domestic Violence Act, 2005 against her husband, who is 1st respondent therein and her in-laws, which was taken on file in D.V.A.No.1 of 2013 by the learned Judicial Magistrate No.1, Pollachi, Coimbatore District. Pending the above, case, the petitioners herein, who are respondents 4 & 5 have filed this petition seeking to quash the same against these petitioners.

2 According to learned counsel appearing for the petitioners, the petitioners are only in-laws, who are residing far away from the resident of the respondent and hence it is not possible for the petitioners herein to come and made domestic violence on the respondent every day. The respondent herein colluding with her husband, who is first respondent in the domestic violence case and also residing under the same roof, has filed this false case against these petitioners with in an intention to harass them and grab the properties, for which civil suit is also pending. Further there is no relief sought for

by the respondent against these petitioners. Therefore, the above domestic violence case against the petitioners herein has to be quashed.

3 There is no representation on behalf of the respondent. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

4 It is seen that the respondent has filed a case under Section 12(1) of the Domestic Violence Act against her husband and in-laws. The petitioners herein, who are in-laws are now seeking to quash the above case against them. It is contended by the learned counsel that the petitioners are residing far away and they are nothing to do with the domestic violence. On reading of the application filed by the respondent, it reveals that there is prima facie allegations against these petitioners also. Even though, these petitioners are residing far away as contended by the learned counsel, it is not a sole ground to quash the proceedings against them. This Court is not inclined to invoke power under Section 482 of Cr.P.C. and quash the proceedings against the petitioner on the ground stated by the learned counsel.

5 Therefore, this criminal original petition is dismissed. Consequently connected miscellaneous petitions are closed. However, the petitioners are at liberty to raise all their defence before the Court below.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate No.I,
Pollachi, Coimbatore District.

+1 cc to M/s.C.Veeraraghavan, Advocate Sr.No. 104699

AKM/18.12.19/2P-3C /

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