

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18090 of 2018
and Crl.M.P.Nos.9431 & 14050 of 2018

1. H.Ghouse Mohammed
2. A.G.Munavarrunisa

...Petitioners

Vs.

A. Salma Jabeen

...Respondent

Prayer:

Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records pertaining to D.V.A.No.31 of 2017 pending on the file of the learned Judicial Magistrate-VII, Coimbatore and to quash the same as illegal and incompetent by allowing the present Criminal Petition.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.G.Thangavel

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.A.No.31 of 2017 on the file of the learned Judicial Magistrate-VII, Coimbatore.

2. The petitioners are the father-in-law and mother-in-law of the respondent. The respondent got married to one G.M.Asgar Ali in the year 2009 and the child was also born in the year 2011. There has been a dispute between them from the year 2012 onwards. Several proceedings are pending between the parties.

3. The respondent has initiated proceedings under the Domestic Violence Act against the husband as well as the petitioners seeking for relief under Sections 12, 18, 19, 20, 21 and 22 of the Domestic Violence Act. This Court has directed the husband to pay a maintenance amount of Rs.5,000/- every month and it is reported that the said maintenance amount is also

being paid to the respondent by her husband.

4. It is seen from records that the entire allegations made in the petition is as against the husband and in fact the relief sought for in the petition is also against the husband. Therefore, the petitioners who are the father-in-law and mother-in-law have been unnecessarily made as a parties.

5. This Court is of the considered view that the proceedings against these petitioners can be quashed and the proceedings can continue as against the husband. The husband is also directed to continue to pay the maintenance amount of Rs.5,000/- every month, till the disposal of D.V.A.No.31 of 2017 on the file of the learned Judicial Magistrate-VII, Coimbatore.

6. In the result, the proceedings in D.V.A.No.31 of 2017, on the file of the learned Judicial Magistrate-VII, Coimbatore is quashed insofar as these petitioners are concerned. The proceedings can go on as against the husband and the same shall be completed within a period of three months from the date of receipt of a copy of this order. The husband shall continue to pay the maintenance amount of Rs.5,000/- every month, till the disposal of the Domestic Violence Petition.

7. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rli/rka
To

The Judicial Magistrate VII,
Coimbatore

+lcc to Mr.Deepan Uday, Advocate, S.R.No.4797

CrI.O.P.No.18090 of 2018
and

CrI.M.P.Nos.9431 & 14050 of 2018

GSP(CO)
CS/21/02/2019