

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.14833 of 2019

and

Crl.M.P.Nos.7265 and 7266 of 2019

K.Sudha

...Petitioner

Vs.

Vanitha @ Deepika

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in DVC No.07 of 2019 on the file of the learned Judicial Magistrate No.III, Puducherry and quash the same as against the petitioner.

For Petitioner : Mr.K.Madhan

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in DVC No.07 of 2019 initiated by the respondent under the Domestic Violence Act.

2. The petitioner is the brother-in-law's wife of the respondent.

3. It is seen from the records that the petitioner was living separately and the respondent is living with her husband and therefore, no domestic violence can be attributed as against the petitioner. The respondent has not made any specific allegations against the petitioner except for certain general allegations. Even in the absence of a domestic relationship with the respondent, the petitioner has been roped in a domestic violence petition.

4. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

5. In the facts and circumstances, this Court is of the considered view that the proceedings as against the petitioner

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 DVC No.07 of 2019 on the file of the Judicial Magistrate No.III, Puducherry is quashed insofar as the present petitioner is concerned. It is left open to the respondent to proceed further to prosecute the domestic violence petition as against the husband.

7. This Criminal Original Petition is allowed and there shall be a direction to the Judicial Magistrate No.III, Puducherry to dispose of the proceedings in DVC No.07 of 2019 as against the husband within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.III,
Puducherry.

2. Do Thro The Chief Judicial Magistrate,
Puducherry.

+1cc to Mr.M.Jagan, Advocate, S.R.No. 60175

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NR(CO)
GN(26/08/2019)

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