

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21013 of 2014 and
Crl.M.P.Nos.1 & 2 of 2014

S.Latha

... Petitioner

-Vs-

C.Ramba

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in C.C. No.391 of 2014, pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : C.Ramba, Party in person

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.391 of 2014 which was pending on the file of the V Metropolitan Magistrate, Egmore, Chennai and presently pending before the Additional Mahila Court, Egmore.

2. The petitioner is the sister-in-law of the respondent. The respondent has filed the Domestic Violence Petition before the Court below by adding husband, father-in-law, mother-in-law and the sister-in-law as parties.

3. The learned counsel for the petitioner submitted that there are absolutely no allegations against this petitioner in the Domestic Violence Petition and this petitioner is already married and living separately with her family. The learned counsel further submitted that none of the reliefs sought for in the petition pertains to this petitioner.

4. The respondent who appeared in-person submitted that this petitioner also subjected her to Domestic Violence. She further

submitted that even though the petitioner is married and living with her family, very often she comes to the residence of the respondent and continues to cause trouble. Therefore, the respondent has sought for protection order against the petitioner.

5. This Court has carefully considered the submissions made on either side.

6. In the considered view of this Court, there is no necessity to make this petitioner as respondent in the Domestic Violence Petition. Admittedly, this petitioner is married and she has her own family and is living separately. Even in the petition, except for certain general allegations, no specific allegations has been made against this petitioner. Therefore, the continuation of the proceedings against this petitioner is an abuse of process of Court.

7. In the result, proceeding in C.C. No.391 of 2014 on the file of Additional Mahila Court, Egmore, is hereby quashed, insofar as this petitioner is concerned and it is made clear that the Court below can proceed further as against the other respondents in the Domestic Violence Petition. It is also made clear that this petitioner shall not in anyway interfere with the life of the respondent and she shall not cause any Domestic Violence against the respondent.

8. Accordingly, this Criminal Original Petition is allowed and the Court below is directed to complete the proceedings in C.C. No.391 of 2014, pending on the file of the learned Additional Mahila Court, Egmore, Chennai, within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr/kal

To

1. The V Metropolitan Magistrate,
Egmore, Chennai-8.

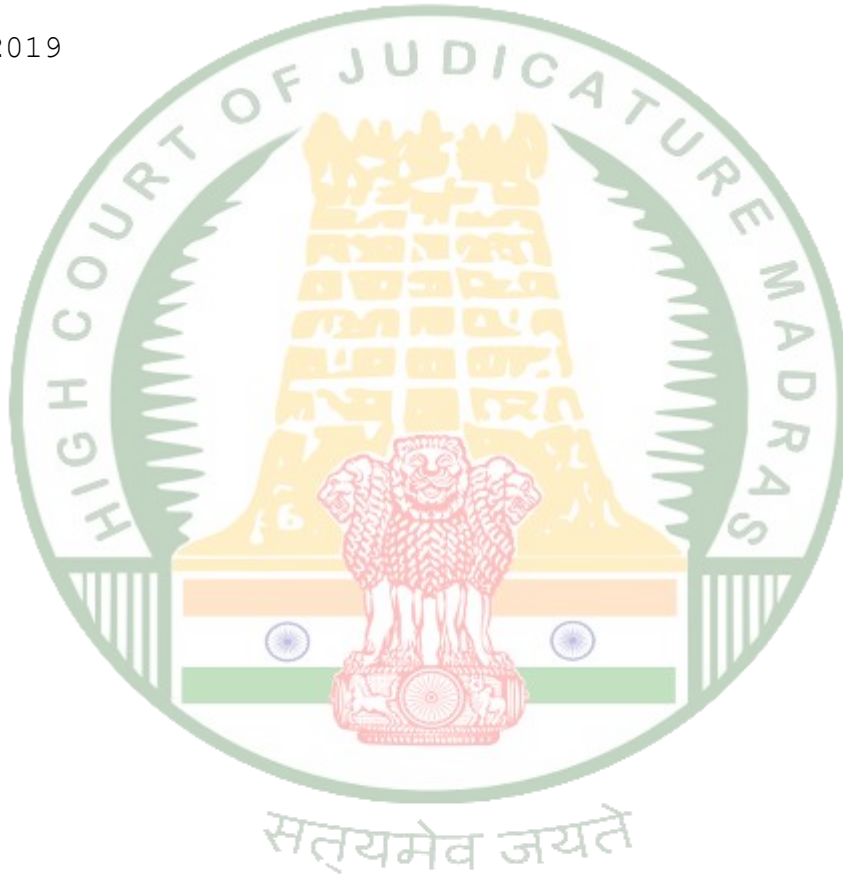
2. -do- Thro' Chief Metropolitan Magistrate,
Chennai.

3. The Additional Mahila Court,
Egmore, Chennai-8

+1cc to C.Ramba, Party in Person, S.R.No.5455

CrI.O.P.No.21013 of 2014 and
CrI.M.P.Nos.1 & 2 of 2014

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