

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.32786 of 2014
and
CrI.M.P.Nos.1 and 2 of 2014

1.Gomethaki
2.Mercy
3.Subramani
4.Minarwa
5.Gunasekaran
6.Vijayalakshmi
7.Selvakumar
8.Kandasamy
9.Nirmala Devi

.... Petitioners/
Respondents 4 to 11

Vs.

G.Shobha

.... Respondent/
Complainant

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in D.V.A.No.37 of 2014 on the file of Judicial Magistrate No I, Coimbatore and quash the same.

For Petitioners : Mr.T.Balaji

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the proceedings in D.V.A.No.37 of 2014 on the file of Judicial Magistrate No I, Coimbatore and quash the same.

2. The petitioners are the father-in-law, mother-in-law, sister-in-law and relatives of the respondent.

3. It is seen from the records that the petitioners were living separately 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 the petitioners except for certain general allegations. Even in the absence of a domestic relationship with the respondent, the petitioners have been roped in the domestic violence petition.

4. Heard the learned counsel for the petitioners 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 petitioners 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 D.V.A.No.37 of 2014 on the file of Judicial Magistrate No I, Coimbatore 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.

7. This Criminal Original Petition is allowed and there shall be a direction to the learned Judicial Magistrate No I, Coimbatore to dispose of the proceedings in D.V.A.No.37 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 petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

jas/kp

To

The Judicial Magistrate - I,
Coimbatore.

+1cc to Mr.T.Balaji, Advocate, S.R.No.54312

CrI.O.P.No.32786 of 2014

MG(CO)
CS/29/08/2019