

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.33253 of 2014
and
M.P.Nos.1 and of 2014

K.Thangavel

...Petitioner

Vs.

1.Pappa @ Velumani
2.K.Ramesh

...espondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to D.V.A No.30 of 2014 on the file of the learned Judicial Magistrate No.VII, Coimbatore and quash the same.

For Petitioner : Mr. V. Balamurugane

For 1st Respondent : Mr.L.Mouli

For 2nd Respondent : Serviced Awaited

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.A No.30 of 2014 initiated by the 1st respondent under the Domestic Violence Act.

2.The petitioner is the relative of mother-in-law of the 1st respondent.

3.It is seen from the records that the petitioner was living separately and the 1st respondent is living with her husband /2nd respondent 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 1st 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 D.V.A No.30 of 2014 on the file of the Judicial Magistrate No.VII, Coimbatore 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 / 2nd respondent.

7. This Criminal Original Petition is allowed and there shall be a direction to the Judicial Magistrate No.VII, Coimbatore to dispose of the proceedings in D.V.A No.30 of 2014 as against the husband/ 2nd respondent within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate No.VII,
Coimbatore.

CRL.OP.No.33253 of 2014
and
M.P.Nos.1 and of 2014

SV (CO)

RRS (26/07/2019)

सत्यमेव जयते

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