

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.OP.No. 24651 of 2014
and
CrI.M.P.Nos.1 of 2014 and 1 of 2015

1.P.M.A.Kwaja Syed Abbas
2.P.S.Mohammed Asraf
3.Balkis

...Petitioners

Vs.

K.J.Shamshath Begum

....Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in proceedings M.C.No.4 of 2014 on the file of the Judicial Magistrate No.I at Kancheepuram and quash the same.

For Petitioners : Mr.S.Nambirajan

For Respondent : Mr.A.M.Rahamath Ali

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings initiated by the respondent under the Domestic Violence Act. The petition was dismissed insofar as the first petitioner is concerned by an order dated 12.09.2014 and it is kept alive only insofar as the 2nd and 3rd petitioners are concerned who are the in-laws of the respondent.

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

3. This Court has carefully considered the submissions made on either side and also the materials placed on record.

4. A careful reading of the complaint shows that the entire grievance of the respondent is directed against her husband who was the first petitioner in this case. Even the relief sought

for is as against the husband who was the first petitioner in this case. Except for some general allegations, no specific allegations have been made against petitioners 2 and 3.

5. In view of the above, the continuation of the proceedings insofar as 2nd and 3rd petitioners are concerned is an abuse of process of law and the same requires interference of this Court in exercise of its jurisdiction under section 482 of Cr.P.C.

6. In the result ,proceedings in M.C.No.4 of 2014, pending on the file of the Judicial Magistrate No.I, Kancheepuram is hereby quashed insofar as 2nd and 3rd petitioners are concerned. The Court below is directed to proceed further in M.C.No.4 of 2014 as against the first petitioner husband and complete the proceedings within a period of three months from the date of receipt of a copy of this order. Accordingly, this Criminal Original Petition is partly allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mpa/uma

To

The Judicial Magistrate No.I
Kancheepuram.

CRL.OP.No. 24651 of 2014

NRL (CO)

RRS (04/07/2019)

सत्यमेव जयते

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