

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.06.2019

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26262 of 2014
and
M.P.No.1 of 2014

1. M.Duraisamy
2. Pooranambigai

...Petitioners

Vs.

S. Shanmugapriya

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the complaint in M.C.No.5 of 2014 on the file of the learned Judicial Magistrate No.3, Erode and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr. N. Manokaran

For Respondent : Mr. C.S.Saravanan

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in M.C.No. 5 of 2014 initiated by the respondent under the Domestic Violence Act.

2. These petitioners are father-in-law and mother-in-law 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 M.C.No. 5 of 2014 on the file of the Judicial Magistrate No.III, Erode 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 Judicial Magistrate No.III, Erode to dispose of the proceedings in M.C.No. 5 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 petition is closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.III,
Erode.

2.Do- Thro' The Chief Judicial Magistrate,
Erode.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.50531

CRL.OP.No.26262 of 2014

and

M.P.No.1 of 2014

SV(CO)

RRS (26/07/2019)

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