

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26696 of 2014

and

M.P.No.1 of 2014

1. A.Mohamed Sulaiman
2. Haseena Bee
3. Marjeena
4. Jerina Begum

...Petitioners/Respondents 2 to 5

Vs.

A.Basheera Banu

...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to D.V.C. No.9 of 2014 on the file of the learned Judicial Magistrate No.I, Namakkal and quash the same insofar as it relates to the petitioners are concerned.

For Petitioners : Mr. K. Govi Ganesan

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.C.No.9 of 2014 initiated by the respondent under the Domestic Violence Act.

2. These petitioners are father-in-law, mother-in-law and sisters-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 there was no appearance for 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.C.No.9 of 2014 on the file of the Judicial Magistrate No.I, Namakkal 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.I, Namakkal to dispose of the proceedings in D.V.C.No.9 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

uma
To

The Judicial Magistrate No.I,
Namakkal.

CRL.OP.No.26696 of 2014
and
M.P.No.1 of 2014

WEB COPY

RSI(CO)
SP(15/07/2019)