

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26730 of 2014

and

M.P.No.1 of 2014

1. M.Sekar
2. M.Parvathammal
3. S.Malliga
4. S.Vasantha
5. N.Santhi
6. M.Valarmathi ... Petitioners/Respondents 2 to 7

Vs.

M.Manjula ... Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to DVOP No.58 of 2014 pending on the file of the Additional Mahila (Magistrate Level) Court, Salem and quash the same as illegal, incompetent and without jurisdiction by allowing the present criminal original petition.

For Petitioners : Mr. R.Ezhilarasan

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in DVOP No.58 of 2014 initiated by the respondent under the Domestic Violence Act.

2. The 1st petitioner is the brother-in-law. The 2nd petitioner is the mother-in-law. The 3rd petitioner is the wife of the 1st petitioner and the petitioners 4 to 6 are sisters-in-law.

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 a 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 DVOP No.58 of 2014 on the file of the Additional Mahila (Magistrate Level) Court, Salem 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 Additional Mahila (Magistrate Level) Court, Salem to dispose of the proceedings in DVOP No.58 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/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

The Additional Mahila (Magistrate Level) Court,
Salem.

+1 cc to M/s.P.Ezhilarasan, Advocate, Sr.No. 50731

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RSI (CO)
CSL/15.07.2019