

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.06.2019

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26761 of 2014
and
M.P.Nos.1, 2 of 2014
and
Crl.MP.No.1348 of 2018

Jayalaxmi

...Petitioner

Vs.

Vennila

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records, leading to the filing of the complaint in C.C.No.4917 of 2013 on the file of the X Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.M.Shankar

For Respondent : Mr.K.Chozhan

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.4917 of 2013 initiated by the respondent under the Domestic Violence Act.

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

3. It is seen from the records that the petitioner was living separately and the respondent is living with her husband 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 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 C.C.No.4917 of 2013 on the file of the X Metropolitan Magistrate, Egmore, Chennai 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.

7. This Criminal Original Petition is allowed and there shall be a direction to the X Metropolitan Magistrate, Egmore, Chennai to dispose of the proceedings in C.C.No.4917 of 2013 as against the husband within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

vv/uma

To

The X Metropolitan Magistrate,
Egmore, Chennai .

+1cc to Mr.D.K.Nepolean, Advocate, S.R.No.50945

CRL.O.P.No.26761 of 2014
and

M.P.Nos.1, 2 of 2014
and

CrI.MP.No.1348 of 2018.06.2019

SV (CO)

RRS (26/07/2019)

सत्यमेव जयते

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