

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.18950 of 2014

and

M.P.No.1 of 2014

1. Sarojini
2. Maliga
3. Mohan

... Petitioners

Vs.

E.Clementina

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in D.V.C.No.1096 of 2014 pending on the file of the Hon'ble X Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioners: Mr.B.R.Sankaralingam

For Respondent : No Appearance

O R D E R

This petition has been filed challenging the proceedings initiated by the respondent under Domestic Violence Act.

2. The petitioners are the mother-in-law, sister-in-law and brother-in-law of the respondent. In view of the interim order granted by this Court, the proceedings are pending till today.

3. The learned counsel for the petitioners submitted that the entire allegations in complaint is only against the husband of the respondent and the petitioners, who are in-laws have been unnecessarily added as parties in the petition. The learned counsel further submitted that before the Domestic Violence petition was presented, the respondent have given a police complaint and in the said complaint, the respondent had stated nothing about any of these petitioners. It is only an after thought. The petitioners have been added as respondents in the Domestic Violence proceedings with an intention to harass them.

4. The affidavit of service has been filed by the petitioners and there is no representation for the respondent.

5. This Court has been carefully considered this submissions made by the learned counsel for the petitioners and also the materials placed on record.

6. On going through the complaint, this Court finds that the entire allegations have been made only as against the husband of the respondent and some general allegations have been made as against the first petitioner. There are absolutely no allegations against petitioners 2 and 3 in the complaint.

7. In the considered view of this Court, the proceedings insofar the petitioners are concerned, are abuse of process of Court and the same requires interference by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

8. In the result, the proceedings shall stand quashed insofar as the petitioners are concerned and this Criminal Original Petition is allowed accordingly. The Court below is directed to proceed further with in D.V.C. No.1096 of 2014 against the husband of the respondent herein and it shall complete the proceedings within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The X Metropolitan Magistrate,
Egmore, Chennai.

Cr1.O.P.No.18950 of 2014
and
M.P.No.1 of 2014

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