

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.06.2019

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.28856 of 2014
and
M.P.No.1 of 2014

1. S.Madhusudhanan
2. A.K.Sampath
3. Ganthimathi Sampath

...Petitioners

Vs.

S.Mithra Vinutha

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to M.C.No.74 of 2013 pending on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioners : Mr. G.L.Ramshankar

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in M.C.No.74 of 2013 initiated by the respondent under the Domestic Violence Act.

2. These petitioners are husband, father-in-law and mother-in-law of the respondent.

3. It is seen from the records that the 2nd and 3rd petitioners were living separately and the respondent is living with her husband /1st petitioner and therefore, no domestic violence can be attributed as against the 2nd and 3rd petitioners. The respondent has not made any specific allegations against the petitioners except for certain general allegations and certain specific averments have been made by the respondent only against the 1st petitioner. Even in the absence of a domestic relationship with the respondent, the 2nd and 3rd 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 1st petitioner has to necessarily face the proceedings before the Court below. In-so-far-as the 2nd and 3rd petitioners are concerned, the entire proceedings 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.74 of 2013 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai is quashed insofar as the 2nd and 3rd petitioners are concerned and the same is dismissed insofar as the 1st petitioner is concerned. It is left open to the respondent to proceed further to prosecute the domestic violence petition as against the husband / 1st petitioner.

7. This Criminal Original Petition is partly allowed and there shall be a direction to the XXIII Metropolitan Magistrate, Saidapet, Chennai to dispose of the proceedings in M.C.No.74 of 2013 as against the husband/1st petitioner 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

uma

To

The XXIII Metropolitan Magistrate,
Saidapet, Chennai.

CRL.OP.No.28856 of 2014
and

M.P.No.1 of 2014

SV (CO)

RRS (26/07/2019)

WEB COPY