

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.29855 of 2014
and
M.P.Nos.1 and 2 of 2014

AthimoolamPetitioner/Accused 4

Vs.

BinduRespondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings in DVAC No.03 of 2014 on the file of the learned District Munsif-cum-Judicial Magistrate, Thirukalukundram, Kanchipuram District.

For Petitioner : Mr. L. Mahendran
For Respondent : Mr. D.Ravichander

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in DVAC No.03 of 2014 initiated by the respondent under the Domestic Violence Act.

2. This petitioner is the family friend of the husband 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 DVAC No.03 of 2014 on the file of the District Munsif-cum-Judicial Magistrate, Thirukalukundram, Kanchipuram District 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 other parties in the domestic violence petition.

7. This Criminal Original Petition is allowed and there shall be a direction to the District Munsif-cum-Judicial Magistrate, Thirukalukundram, Kanchipuram District to dispose of the proceedings in DVAC No.03 of 2014 as against the other parties within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

The District Munsif-cum-Judicial Magistrate,
Thirukalukundram,
Kanchipuram District.

सत्यमेव जयते

CRL.OP.No.29855 of 2014
and M.P.Nos.1 and 2 of 2014

RSI (CO)
CSL/15.07.2019

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