

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.Nos.22724 & 23413 of 2019
and
Crl.M.P.Nos.11816, 11817, 12310 & 12311 of 2019

M.Gopinath ...Petitioner in Crl.O.P.No.23413 of 2019

1.Thenmozhi
2.P.Sarasurani ...Petitioners in Crl.O.P.No.22724 of 2019

Vs

S.Shobana ...Respondent in both Crl.O.Ps.

COMMON PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to stay of all further proceedings in D.V.C.No.12 of 2019 pending on the file of the Judicial Magistrate No.III, Vellore with respect to the petitioner/1st Respondent, 1st petitioner/2nd respondent and 2nd petitioner/3rd respondent respectively until pending disposal of the main petition and dispense with the personal appearance of the petitioner/1st respondent, 1st petitioner/2nd respondent and 2nd petitioner/3rd respondent respectively in D.V.C.No.12 of 2019 pending on the file of the learned Judicial Magistrate III at Vellore and further the petitioner hereby undertake to appear before the Judicial Magistrate No-III, Vellore as and when his presence is needed until pending disposal of the main case and call for the entire records and quash the proceedings in D.V.C.No.12 of 2019 pending before the learned Judicial Magistrate No-III, Vellore with respect to the petitioner/1st respondent, 1st petitioner/ 2nd respondent and 2nd petitioner/3rd respondent and to pass such further or other orders.

For Petitioners :Mr.M.R.Radhakrishnan
in both Crl.O.Ps.
For Respondent : No appearance
in both Crl.O.Ps.

C O M M O N O R D E R

On a perusal of the impugned complaint reveals that the relief sought for is predominantly against the husband seeking for compensation of Rs.5,00,000/- and return of the articles given at the time of her marriage. Though certain averments have been made as against the in-laws in the domestic violence case no relief has been sought for as against them. As such it would not be proper to permit the learned Judicial Magistrate, Vellore, to proceed against the in-laws, who are the respondents two and three in the domestic violence case and the petitioners in the criminal original petition in CrI.O.P.No.22724/2019. Even assuming that the averments in the domestic violence case constitutes offence of domestic violence, the Learned Magistrate may not be in a position to pass any protection order as against the in-laws.

2 In the light of the above observation, this Court is of the view that the in-laws/respondents two and three in the domestic violence case have been unnecessarily implicated in the impugned complaint. Since the relief sought for in the domestic violence case is as against the husband/ first respondent in the Domestic Violence case, who is the petitioner in CrI.O.P.No.23413 of 2019, it would be appropriate to direct the learned Judicial Magistrate No.III, Vellore, to continue the proceedings in D.V.No.12 of 2019 as against the husband alone and complete the same as expeditiously as possible.

3 In the light of the above observations, the CrI.O.P.No.22724 of 2019 stands allowed and consequently, the proceedings in D.V.No.12 of 2019 on the file of the Judicial Magistrate, Vellore, insofar as the second and third respondents therein are concerned, are quashed. CrI.O.P.No.23413 of 2019 stands dismissed. There shall be a direction to the learned Judicial Magistrate, Vellore, to complete the proceedings in D.V.No.12 of 2019 as expeditiously as possible. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

vsn/sbn

To

1.The learned Judicial Magistrate No-III,
Vellore.

2. The Public Prosecutor,
High Court of Madras.

+4 ccs to Mr.M.R.Radhakrishnan Advocate sr88066 & 88067

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