

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.14917 of 2019

and

Cr1.M.P.No.9562 of 2019

1. Muralidharan
2. Venugopal
3. V.Saroja
4. V.Geetha
5. V.Kumaran
6. K.Jayanthi

... Petitioners

vs.

M.Pramila

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in pursuant to DVC No.09 of 2017 on the file of the Judicial Magistrate No.III, Vellore, Vellore District and quash the same.

For Petitioners

: Mr.M.Sathish Kumar

ORDER

This petition has been filed seeking to quash the proceedings in DVC No.09 of 2017, pending on the file of the Judicial Magistrate No.III, Vellore, Vellore District.

2. The learned counsel for the petitioners submitted that the marriage between the first petitioner and the respondent was dissolved by a judgment and decree dated 26.07.2017 passed by the Family Court, Vellore. The learned counsel submitted that in view of this development, the Domestic Violence petition filed by the respondent is not maintainable.

3. The learned counsel for the respondent submitted that the respondent has preferred an appeal against the judgment and decree passed by the Family Court and the same is pending in C.M.A No.376 of 2017 before this Court. The learned counsel, therefore submitted that till the pendency of the appeal, it cannot be stated that the proceedings initiated by the

respondent has become infructuous.

4. This Court has carefully considered the submissions made on either side and the materials available on record.

5. The 1st petitioner has filed a petition for divorce against the respondent on the ground of cruelty. The Family Court, Vellore, by judgment dated 26.07.2017 has allowed the petition and dissolved the marriage, after finding that the respondent has subjected the first petitioner to cruelty. All the other petitioners are the in-laws of the respondent. The proceedings initiated under the Domestic Violence Act cannot be kept pending only on the ground that an appeal is filed by the respondent and the same is pending before this Court.

6. In the considered view of this Court, the proceedings pending against the petitioners before the Court below 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.

7. In the result, the proceedings in DVC No.09 of 2017 pending on the file of the Judicial Magistrate No.III, Vellore, Vellore District is hereby quashed and this Criminal Original Petition is allowed accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.III,
Vellore, Vellore District.

2. Do Thro the chief Judicial Magistrate,
Vellore.

CrI.O.P No.14917 of 2017

and

CrI.M.P.No.9562 of 2019

MG (CO)

GN(22/08/2019)