

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.29769 of 2014
and
M.P.Nos.1 and 2 of 2014

1. Naachammal
2. Subramanian
3. Easwari
4. Pazhaniswamy

Petitioners

Vs.

Selvi

Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the D.V.A.No.2 of 2011 on the file of the Judicial Magistrate-II, Udumalaipet and quash the same.

For Petitioners : Mr.B.Nedunchezhiyan

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.A.No.2 of 2011 initiated by the respondent under the Domestic Violence Act.

2. The petitioners 1 to 3 are mother-in-law, brother-in-law, sister-in-law respectively of the respondent and the fourth petitioner is the husband of the third petitioner.

3. It is seen from the records that the petitioners were living separately and the respondent is living with her husband and therefore, no domestic violence can be attributed as against the petitioners. The respondent has not made any specific allegations against the petitioners except for certain general allegations. Even in the absence of a domestic relationship with the respondent, the 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 proceedings as against the petitioners 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 D.V.A.No.2 of 2011 on the file of the Judicial Magistrate-II, Udumalaipet is quashed insofar as the present petitioners are concerned. It is left open to the respondent to proceed further to prosecute the domestic violence petition as against the husband.

7. This Criminal Original Petition is allowed and there shall be a direction to the Judicial Magistrate-II, Udumalaipet to dispose of the proceedings in D.V.A.No.2 of 2011 as against the husband 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

vv/uma

To

The Judicial Magistrate-II,
Udumalaipet

+1 cc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.50314

+1 cc to Mr.S.Gunalan, Advocate, S.R.No.50572

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SSD(CO)
SSM(16/07/2019)

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