



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.16998 of 2014
and
MP(MD)No.1 of 2014

1.S.Mohan

2.M.Rajini

... Petitioners/ Respondents

Vs.

S.Rajeswari

... Respondent/ Petitioner

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned complaint filed by the respondent under the Domestic Violence Act in M.C No.88 of 2014 pending on the file of the learned Judicial Magistrate No.V, Madurai and to quash the same as illegal.

For Petitioners : Mr.M.Satheeshkumar

For Respondent : No appearance

ORDER

The respondent has filed M.C No.88 of 2014 against the petitioners who are her son and daughter in law respectively. The petition has been filed under the provisions of Protection of Women from Domestic Violence Act, 2005. The property in question is in the name of the husband of the respondent/the father of the first petitioner herein. The first petitioner has filed a civil suit seeking partition. The respondent seeks maintenance against her own son. She claims protection from both the petitioners herein. It cannot be stated that the petition filed by the respondent is not maintainable in law. All the contentions raised by the petitioners in this petition will have to be raised before the court below.



WEB COPY

Crl OP(MD)No.16998 of 2014

2.Leaving open all the contentions of both the parties, this petition stands dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar (CS-)

To

The Judicial Magistrate No.V,
Madurai.

Crl OP(MD)No.16998 of 2014

and

MP (MD) No.1 of 2014

16.09.2019

skm

ES/03.10.2019/2P/2C