



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.17981 of 2014

and

M.P.(MD)No.1 of 2014

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P.Vijaya

... Petitioner/Respondent No.2

Vs

1.M.Muthulakshmi

2.Mayilsamy

... Respondents/Petitioners/
Respondents/Respondent No.I

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the entire records and quash the entire proceedings against the petitioner in M.C.No.8 of 2014 on the file of the learned Judicial Magistrate No.II, Kulithalai.

For Petitioners : Mr.T.Senthil Kumar

For R1 & R2 : No appearance

ORDER

The first respondent herein filed M.C.No.8 of 2014 on the file of the Judicial Magistrate No.II, Kulithalai against her husband and one Vijaya who is alleged to be concubine.

2.The alleged concubine was shown as the second respondent. The second respondent in M.C.No.8 of 2014 has filed this criminal original petition for quashing the proceedings.

3.Even though the complainant has been served and her name is printed in the cause list and she has also entered appearance through counsel, there is no appearance on her behalf today.

4.During the pendency of this proceedings, the husband of the complainant namely Mayilsamy passed away.

5.The learned counsel appearing for the petitioner states that in a petition under the Protection of Women from the Domestic Violence Act, 2005, the aggrieved female can file a complaint against her husband or male partner and his relatives. The petitioner herein will not fall within the definition "relative". Therefore, the petitioner ought not to be impleaded as party to the impugned proceedings.



6.I find the said submission to be well founded. The impugned proceedings stand quashed. The criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

RMI

To
The Judicial Magistrate No.II, Kulithalai.

+1 CC to M/s.T.SENTHIL KUMAR, Advocate (SR-88043[F] dated 20/09/2019)

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