



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/09/2019

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD).No.19546 of 2014

Chinnathai,
W/o.Durai, 5/381/2, Nethaji Nagar,
3rd Street, Thoothukudi,
Thoothukudi District.

... Petitioner/2nd Respondent

Vs

1. Kamalam,
W/o.Subbaiah, D.No.4/86, Housing Board,
Ettiyapuram Road, Thoothukudi,
Thoothukudi District..

2. Subbulakshmi,
D/o.Subbaiah, -Do-.

... Respondents/Petitioners

PRAYER :- This Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records in the petition in M.C.No.129 of 2014 on the file of the learned Judicial Magistrate No.1, Thoothukudi, Thoothukudi District and quash the proceedings initiated against the petitioner herein on the basis of the petition filed by the respondent.

For Petitioner : No appearance.

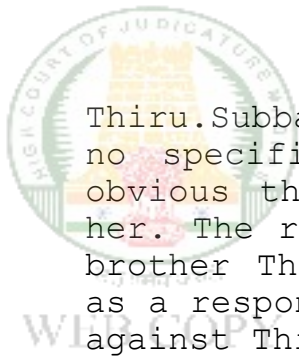
For Respondents : No appearance.

ORDER : The Court made the following order :-

There is no appearance on either side.

2. The respondents herein have filed M.C.No.129 of 2014 before the Judicial Magistrate No.I, Thoothukudi, under Section 12 of the Protection of Women from Domestic Violence Act 2005. The first respondent Kamalam is the wife of Subbaiya. The second respondent Subbulakshmi is their daughter. The petitioner Chinnathai is shown as the second respondent in the impugned proceedings. The petitioner herein is only the sister of Subbaiya.

3. On a careful reading of the impugned complaint, it is seen that the relief sought by the respondents herein is only against



Thiru.Subbaiya, the first respondent in the complaint. As there is no specific relief sought against the petitioner herein, it is obvious that the petitioner has been impleaded only for harassing her. The respondents suspect that the petitioner is instigating her brother Thiru.Subbaiya. But that cannot be a ground for adding her as a respondent. The respondents will have to pursue their case only against Thiru.Subbaiya.

4. In this view of the matter, the impugned proceedings are quashed as far as the petitioner is concerned. The Criminal Original petition stands allowed, accordingly.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar

TO

The Judicial Magistrate No.1,
Thoothukudi, Thoothukudi District.

+1CC TO Mr.A.THIRUVADI KUMAR, ADVOCATE, SR NO.86266

ORDER IN
CRL OP(MD) No.19546 of 2014
Date : 10/09/2019

PMU
MS/24.09.2019/2P.3C