



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.O.P.(MD)No. 23458 of 2015 and

M.P.(MD)No.1 of 2015

WEB COPY

1. Ramasubramanian
2. Nagoorkani
3. T.R.Kaleeswari

... Petitioners/Respondents

Vs.

Kaleeswari

... Respondent/Petitioner

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records related to the proceedings in Cr.M.P.No.1176 of 2014 pending on the file of the learned Judicial Magistrate No.I, Sattur and quash the same.

For Petitioners : Mr.I.Suthakaran

* * *

O R D E R

This criminal original petition has been filed for quashing the impugned proceedings instituted by the respondent herein under the provisions of the Protection of Women from Domestic Violence Act 2005.

2. The first petitioner is the husband while petitioners 2 and 3 are the in-laws of the respondent.

3. Though the respondent has been served and her name is also printed in the cause list, she has not chosen to enter appearance either in person or through counsel. The petitioners' counsel would point out that the marriage between the first petitioner and the respondent took place on 03.03.2004 and thereafter very shortly the respondent separated. The first petitioner filed H.M.O.P.No.60 of 2004 before the Subordinate Court, Sivakasi, seeking restitution of conjugal rights. The same was dismissed as not pressed. The first petitioner thereafter filed H.M.O.P.No.83 of 2007 before the Subordinate Court, Sivakasi, for dissolution of the marriage. The same was originally set ex-parte and that the same was allowed on ex-parte basis and later allowed on merits. The petitioners' counsel states that the order dissolving the marriage between the first petitioner and the respondent had become final and that the first petitioner has also remarried and a male child was also born through such marriage.



4. When the marital tie between the first petitioner and the respondent had got snapped, I am of the view that continuance of the impugned proceedings against petitioners 2 and 3 can only be characterised as an abuse of legal process.

5. Therefore, I am of the view that the impugned proceedings deserves to be quashed as against petitioners 2 and 3 are concerned. It will go on against the first petitioner herein. It appears that two children were born through the marriage between the first petitioner and the respondent. Therefore, the first petitioner will have to necessarily answer the claims that have been raised by the respondent. Therefore, the criminal original petition stands dismissed as far as the first petitioner is concerned and the same stands allowed as far as petitioners 2 and 3 are concerned. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

pmu

To:

The Judicial Magistrate No.I,
Sattur.

Cr1.O.P.(MD)No.23458 of 2015
12.12.2019

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