



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.2432 of 2015

and

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

and

Crl.M.P. (MD)Nos.8740 and 8741 of 2017

1.Sakthivelu

2.Malarkodi

... Petitioners

Vs

R.Dhivya

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned proceedings in M.C.No.89 of 2014, on the file of the Judicial Magistrate, Additional Mahila Court, Trichirapalli and quash the same as far as the petitioners are concerned.

For Petitioners : Mr.V.Muthumani

For Respondent : Mr.T.Lajapathi Roy

O R D E R

The respondent herein is the daughter-in-law of the petitioner. She filed M.C.No.89 of 2014, on the file of the learned Judicial Magistrate/Additional Mahila Court, Trichirappalli under Section 12 of Protection of Women from Domestic Violence Act. This criminal original petition has been filed to quash the same.

2.Heard the learned counsel on either side.

3.It is not the case of the respondent that the petitioners also were part of the shared household. The Honourable Supreme Court in the case of **Kamlesh Devi Vs. Jaipal and Others in S.L.P. (Criminal) Diary No.34053 of 2019**, held as follows:-

"The High Court has rightly found in effect that the ingredients of domestic violence are wholly absent in this case. The petitioner and the respondents are not persons living together in a shared household. There is a vague allegation that the respondents are family members. There is not a whisper of the respondents with the petitioner. They appear to be neighbours"



4. Applying the ratio laid down in the aforesaid decision, the impugned proceedings cannot continue against the petitioners herein. It can proceed against the husband of the respondent namely., Aravind. The impugned proceedings are quashed as far as the petitioners are concerned. Since the maintenance case is of the year 2014, the Court below is directed to conclude the proceedings on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. With this direction, this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To:

The Judicial Magistrate,
Additional Mahila Court,
Trichirappalli

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-92364[F] dated 17/10/2019
+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-92647[F] dated
17/10/2019)

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SMA/11/12/19/2P/4C