



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANCr1.O.P.(MD)No.24435 of 2015 andM.P.(MD)Nos.1 and 2 of 2015

WEB COPY

1. Vijaya
2. Rajendran
3. Natarajan
4. Poonitha Natarajan
5. Manikandan
6. Amutha Manikandan
7. Sathiyabama
8. Kamaraj @ Vijayakumar
9. K.Thangalingam
10. Padma Thangalingam

... Petitioners/
Accused Nos.2 to 11

Vs.

A.Ajitha

... Respondent/Complainant

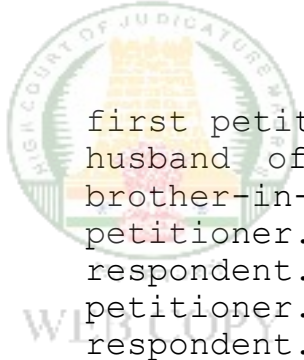
Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the proceedings in connection with Cr.M.P.No.6190 of 2015 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District and quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.S.Alagusundar
For Respondent : M/s.L.Victoria Gowri

ORDER

The respondent herein got married to one Sivarajan on 01.06.2014. She would claim that her parents had gifted a sum of Rs.2,00,000/-, 25 sovereigns of gold and other articles as dowry. According to the respondent, unable to bear the harassment caused by her husband and in-laws, she gave a complaint on 19.10.2014. There was a brief reunion. But then, she was once again driven out. According to the respondent, her husband and in-laws demanded additional dowry. Therefore, she moved the learned Judicial Magistrate No.III, Nagercoil and filed a petition under the provisions of Protection of Women from Domestic Violence Act 2005. It was numbered as Cr.M.P.NO.6190 of 2015. The husband of the respondent herein is figuring as the first respondent in the said petition. He has not chosen to move this Court. The other respondents in Cr.M.P.No.6190 of 2015 have filed this criminal original petition for quashing the impugned proceedings as far as they are concerned.

2. A mere description of the relationship between the petitioner and the respondents is enough to show that the respondent has implicated everyone in the family on the wholesale basis. The



first petitioner is the sister-in-law. The second petitioner is the husband of the first petitioner. The third petitioner is the brother-in-law. The fourth petitioner is the wife of the third petitioner. The fifth petitioner is also the brother-in-law of the respondent. The sixth petitioner is the wife of the fifth petitioner. The seventh petitioner is the sister-in-law of the respondent. The eighth petitioner is the husband of the seventh petitioner. The ninth petitioner is the brother-in-law of the respondent. The tenth petitioner is the wife of the ninth petitioner.

3. The fact that the respondent has chosen to implicate even the spouses of the respective in-laws is sufficient to hold that the respondent does not want to spare anyone in her in-laws' family.

4. I am of the view that considering the nature of relief sought for by the respondent, it is essential by one between the respondent on the one hand and her husband on the other. Hence, making the other petitioners herein to undergo the agony of enquiry is absolutely unwarranted. Continuance of the impugned prosecution will amount to an abuse of legal process. The impugned prosecution stands quashed as far as the petitioners are concerned. It will of course go on against the husband of the respondent herein. The husband of the respondent will not be entitled to take advantage of this order. He should contest the proceedings independently and on the merits of his own defence.

5. With these observations, the impugned prosecution stands quashed as far as the petitioners are concerned. The criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate No.III,
Nagercoil, Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.ALAGU SUNDAR, Advocate (SR-106139[F] dated 20/12/2019)

Cr1.O.P. (MD) No.24435 of 2015
19.12.2019