



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P.(MD)No.3279 of 2015 and

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

WEB COPY

1. M.Arumugam
2. M.Mariappan
3. A.Rakkammal
4. M.Pandiyammal

... Petitioners/
Respondents 4,5,7&8

Vs.

J.Dhanalakshmi

... Respondent/Petitioner

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records in impugned order in M.C.No.159 of 2014 on the file of the Additional Mahila Court(Magisterial Level), Madurai and to quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.G.Mariappan

For Respondent : Mr.L.Shaji Chellan

ORDER

The respondent herein got married to one Irulappasami on 18.01.2010. A female child was also born. Irulappasami was working as a police constable in an armed force. The marital relationship came under strain. She filed M.C.No.159 of 2014 before the Additional Mahila Court(Magisterial Level), Madurai, under the provisions of Protection of Women from Domestic Violence Act 2005. To quash the same, this Criminal Original petition has been filed by the brother-in-law and the wife of the brother-in-law.

2. Heard the learned counsel on either side.

3. During the pendency of these proceedings, the husband Irulappasami is said to have passed away. It is stated by the petitioners herein that the respondent had also got remarried. The mother-in-law has not come to this Court for quashing.

4. I had a look at the reliefs sought for in the maintenance case. The first prayer is for grant of maintenance. The second prayer is for return of her articles. The third prayer is for restraint order. It is seen that the petitioners herein were not living in a joint family along with the respondent and her husband.



Therefore, implicating the petitioners herein appears to be without any basis.

5. Of course the mother-in-law Muthupetchi will have to necessarily face the proceedings. The prayer for return of articles has been made. Therefore even while quashing the proceedings, it is made clear that M.C.No.159 of 2014 will have to be conducted against the mother-in-law Muthupetchi, since the claim has been made that the jewels and other articles of the respondent herein are with the respondents in the maintenance case.

6. With this observation, the impugned proceedings stand quashed as far as the petitioners are concerned. The Criminal Original petition stands allowed. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

pmu

To

1. The Additional Mahila Court (Magisterial Level),
Madurai.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.MARIAPPAN, Advocate (SR-90518[F] dated 30/09/2019)

CRL.O.P.(MD)No.3279 of 2015 and
M.P.(MD)No.1 of 2015
27.09.2019

_KK/SAR/25.10.2019/2P-4C/