



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.12.2019
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.6775 of 2016
and
Crl MP(MD)Nos.3410 & 3411 of 2016

1.Rajesh Kumar
2.Chellappan
3.Chella Thangam
4.Jose
5.Babu
6.Vanaja
7.John Babu

... Petitioners/Respondents

Vs.

1.Rajeswari
2.Sanju(minor)

... Respondents/Petitioners

(Minor rep.through the first respondent,
his mother Rajeswari)

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to M.C No.4 of 2015 on the file of the Judicial Magistrate Court, Padmanabhapuram and quash the same as illegal.

For Petitioners : Mr.V.M.Balamohan Thambi
For Respondents : Mr.R.Murugan

ORDER

This Original Petition has been filed for quashing the impugned proceedings instituted by the respondents herein under the provisions of the Protection Women from Domestic Violence Act, 2005. The first petitioner is the husband. The third petitioner is the mother in law. The learned counsel for the petitioners states that he is not pressing this petition as far as they are concerned. Hence, this Original Petition is dismissed as far as the petitioners 1 and 3 are concerned.

2.The petitioners 4 to 7 are not part of the shared household. Therefore, this petition is clearly not maintainable against the petitioners 4 to 7 herein. The second petitioner is the father in law of the first respondent. No offence is made out against him. The second petitioner is aged about 78 years. I am, therefore, of the view that the continuance of the impugned prosecution would be



an abuse of legal process. Therefore, the impugned prosecution stands quashed in respect of petitioners 2 and 4 to 7 herein.

3.This criminal original petition stands partly allowed. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skm

To

The Judicial Magistrate , Padmanabhapuram,
Kanyakumari District

+1 CC to M/s.R.MURUGAN, Advocate (SR-105654[F] dated 18/12/2019)

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and

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MK (08.06.2020) 2P 3C