



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2019

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P(MD) No.18906 of 2019

and

CRL.M.P (MD) Nos. 11098 and 11100 of 2019

WEB COPY

Maya Thulasi Bai

... Petitioner/Respondent No.7

Vs.

Antony Jenitha

Rep by Power holder

Rosemary

...Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in DVOP No. 6 of 2018 on the file of the learned Judicial Magistrate No.I, Nagercoil and quash the same in respect of petitioner/ 7th respondent

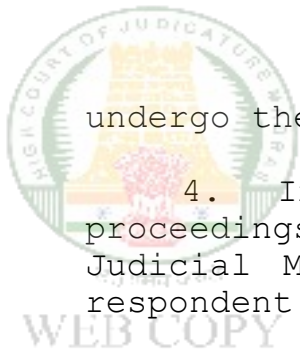
For Petitioner : Mr.K.P.Narayanakumar

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in DVOP No. 6 of 2018 on the file of the learned Judicial Magistrate No.I, Nagercoil in respect of petitioner/ 7th respondent

2. The learned counsel for the petitioner would submit that the petitioner is arrayed as seventh respondent in DVOP No. 6 of 2018. The petitioner is the second wife of first respondent in the main petition and there is no domestic relationship between the petitioner and the respondent/ complainant. At this stage, the petitioner herein pray to quash the proceedings in DVOP No. 6 of 2018

3. It is seen that the relief sought for by the respondent in the domestic violence case with regard to residential rights, compensation, etc., can be made and claimed as against her husband, who is already a party in that case. The petitioner herein is the second wife of the first respondent in the main petition and she is living separately. As such, the protection order sought for by the respondent herein in the domestic violence case against the petitioner based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners against the respondent itself seems to be false. While that being so, there cannot be any act of any domestic violence as defined under Domestic Violence Act against the petitioner. In the absence of the same, the proceedings as against these petitioner cannot be maintained and consequently, the petitioner need not



undergo the ordeal of facing a criminal trial.

4. In view of the above, this Court is inclined to quash the proceedings in DVOP No. 6 of 2018 on the file of the learned Judicial Magistrate No.I, Nagercoil in respect of petitioner/ 7th respondent

5. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

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/ /2020

Sub Assistant Registrar(CS)

aav

To

The Judicial Magistrate No.I, Nagercoil

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-105604[F] dated 18/12/2019)

CRL.O.P(MD) No.18906 of 2019

and

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KK/SAR/09.01.2020/2P-3C/