



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD)No.14405 of 2018

and

Crl.M.P (MD)Nos.6446 and 6447 of 2018

1.Ramakrishnan

2.Gomathi @ Gomathiammal

: Petitioners/Respondents 3 & 4

Vs.

A.Jeyalakshmi

: Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining and to quash the proceedings in D.V.O.P.No.5 of 2018 on the file of the District Munsif cum Judicial Magistrate Court, Boothapandi.

For Petitioners : Mr.P.M.Vishnuvarthanan

For Respondent : Mr.M.Dennis Joe

ORDER

This criminal original petition has been filed to quash the proceedings in D.V.O.P.No.5 of 2018 on the file of the District Munsif cum Judicial Magistrate Court, Boothapandi.

2.The brief facts of the case in D.V.O.P.No.5 of 2018 is that the respondent got married to the son of the Vaikunda Raman and Selvi, who are the first and second respondents in D.V.O.P.No.5 of 2018 on the file of the District Munsif cum Judicial Magistrate's Court, Boothapandi. The marriage took place on 20.08.2010 as per the Hindu Rites and Customs. Out of the wedlock, a male child was born on 14.11.2011. After marriage, the respondent lived along with her husband at Coimbatore and thereafter, shifted to Chennai. While they lived at Chennai, the husband had gone aboard for employment. Thereafter, the parents of her husband lived with her at Chennai and they were started to harass her. Thereafter, her husband had returned to India and they again shifted to Pollachi, where the husband became ill and she brought him to Tirunelveli for giving treatment in C.S.I Annapackiyam Hospital and he died on 25.11.2017 not responding to the treatment. The further averment by the respondent is that the parents of her husband had prevented her getting employment, which was given to her by the Company, where the



husband was working. During the marriage, the parents and grandparents of her husband had demanded 30 sovereigns of gold and the household articles worth about Rs.30,000/- and her father has also spent a sum of Rs.1,50,000/-. Further averment is that the parents of her husband had suppressed the ailment of her husband and got him married to her. Thereafter, the respondent had asked to return the jewels and household articles. However, the parents of her husband did not return the same. Hence, the respondent has filed D.V.O.P.No.5 of 2018.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as respondents 3 and 4 in D.V.O.P.No.5 of 2018. The petitioners are the grandparents of the husband of the respondent. Except the vague allegation against them that the parents of the husband had acted on the advice of the petitioners, no other averments had been made against them. He would further submit that the proceedings is nothing, but abuse of processes of law wherein, the petitioners who are aged about 80 and 70 respectively, are unnecessarily harassed and humiliated. Admittedly, the respondent was lived along with her husband at Chennai, Coimbatore and Pollachi and her husband fell sick and died due to Cancer.

4.The learned counsel for the respondent would submit that the petitioners are none other than the grandparents of her husband. On their inducement, the parents of her husband have acted against her.

5.I have gone through the complaint in D.V.O.P.No.05 of 2018. Excepting the vague allegations that the parents of the respondent's husband had acted on the inducement of the petitioners, no other serious averments have been made against the petitioners. Further no reliefs have been sought against the petitioners. This Court is of the opinion that the proceedings pending against the present petitioners are nothing but an abuse of process of Court.

6.In the result, this Criminal Original Petition is allowed and the proceedings in D.V.O.P.No.5 of 2018 on the file of the District Munsif cum Judicial Magistrate Court, Boothapandi, is quashed in respect of the petitioners alone. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

Cp

<https://hcservices.ecourts.gov.in/hcservices/>



To:
The District Munsif cum Judicial Magistrate,
Boothapandi.

+1 CC to M/s.M.DENNIS JOE, Advocate (SR-103078[F] dated 03/12/2019)

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-103091[F] dated
03/12/2019)

CrI.O.P. (MD)No.14405 of 2018
and
CrI.M.P(MD)Nos.6446 and 6447 of 2018
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JMN(26.12.2019) 3P : 4C