



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.10.2019
CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

CRL.O.P (MD)No.10026 of 2017

and

CRL.M.P (MD)Nos.6856 and 6857 of 2017

1.Mariyaraj
2.Francis
3.Selvi
4.Micheal Raj
5.Priya

.. Petitioners

Vs.

M.Mani Megala

.. Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in D.V.O.P.No.48 of 2015 pending on the file of the learned Judicial Magistrate, Valliyoor Tirunelveli District and quash the same as illegal.

For Petitioners : Mr.R.Anand
For Respondents : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P.No.48 of 2015 initiated by the respondent under the Domestic Violence Act.

2. The first Petitioner is the husband, second petitioner is the father-in-law, third petitioner is the mother-in-law and fourth petitioner is the brother-in-law of the respondent. Fifth petitioner is the wife of the fourth petitioner.

3. It is seen from the records that the petitioners 2 to 5 are living separately and the respondent is living with her husband/first petitioner separately and therefore, no domestic violence can be attributed as against the petitioners 2 to 5. The respondent has not made any specific allegations against the petitioners 2 to 5 except for certain general allegations and certain specific averments have been made by the respondent only against the 1st petitioner. Even in the absence of a domestic relationship with the respondent, the petitioners 2 to 5 have been roped in a domestic violence petition.



4. Heard the learned counsel for the Petitioners as well as the learned counsel for the respondent.

5. In the considered view of this Court, the 1st petitioner has to necessarily face the proceedings before the Court below. Insofar as the petitioners 2 to 5 are concerned, the entire proceedings is an abuse of process of Court and the same requires interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

6. In the result, the proceedings in D.V.O.P.No.48 of 2015, on the file of the learned Judicial Magistrate, Valliyoor, is quashed insofar as the petitioners 2 to 5 are concerned. Insofar as the first Petitioner/husband is concerned, this Petition stands dismissed. It is left open to the respondent to proceed further to prosecute the domestic violence petition as against the husband / 1st petitioner.

7. This Criminal Original Petition is partly allowed and there shall be a direction to the Judicial Magistrate, Valliyoor, to dispose of the proceedings in D.V.O.P.No.48 of 2015 as against the husband/1st petitioner within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Ad-I)

// True Copy //

Sub Assistant Registrar(CS)

TM

To

The Judicial Magistrate,
Valliyoor, Tirunelveli District.

CRL.O.P(MD)No.10026 of 2017

24.10.2019

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