



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

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.10041 of 2017

and

CrL.M.P(MD)Nos.6864 and 6865 of 2017

1.Justin
2.Devadoss ... Petitioners/Respondents No.5 & 6

Vs.

1.Rosy
2.Alpino Fernando (Minor)
3.Lancy Fernando (Minor) ... Respondents/Petitioners

(Minor respondents 2 and 3 through their
Guardian/Mother the 1st respondent)

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in D.V.O.P.No.4 of 2017 on the file of the learned Judicial Magistrate, Tiruchendur and quash the same.

For Petitioners : Mr.Antony S.Prabahar
For Respondents : Mr.S.Deenadhayalan for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P.No.4 of 2017 initiated by the respondents under the Domestic Violence Act.

2. The petitioners are not even relatives of the respondents and they are said to belong to the same village.

3. It is seen from the records that the petitioners were living separately and the respondents are living separately and therefore, no domestic violence can be attributed as against the petitioners. The respondent has not made any specific allegations against the petitioners, except for certain general allegations and certain specific averments have been made by the respondent only against her husband. Even in the absence of a domestic relationship with the respondent, the petitioners 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 petitioners 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.4 of 2017 on the file of the learned Judicial Magistrate, Tiruchendur, is quashed insofar as the petitioners are concerned. It is left open to the respondent to proceed further to prosecute the Domestic Violence petition as against the other respondents in the petition.

7. This Criminal Original Petition is allowed and there shall be a direction to the learned Judicial Magistrate, Tiruchendur, to dispose of the proceedings in D.V.O.P.No.4 of 2017, as against the other respondents, within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Judicial Magistrate,
Tiruchendur.

+1 CC to Mr.ANTONY.S.PRABAHAR, Advocate (SR-94359[F] dated 24/10/2019)

CRL.O.P(MD)No.10041 of 2017
24.10.2019

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