



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.10234 of 2017

and

CRL.M.P(MD)Nos.6992 and 6993 of 2017

1. P.Ganesan
2. G.Mariyammal
3. Padmavathy
4. Ushanandhini ...Petitioners / Respondent Nos. 2 to 5

Vs.

K.Karpagam ...Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for records pertaining to the petition filed by the respondent in Cr.M.P.No.2270 of 2017, on the file of the learned Additional Mahila court, Madurai, filed under Section 12 of Protection of Women from Domestic Violence Act, 2005, by the respondent and quash the same.

For Petitioners : Mr.T.Lajapathi Roy

For Respondent : Mr.K.Gokul

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Cr.M.P.No.2270 of 2017, on the file of the Additional Mahila court, Madurai.

2. The first Petitioner is the father-in-law and the second petitioner is the mother-in-law of the respondent. The third and fourth petitioners are the sisters of the first petitioner.

3. The learned counsel appearing for the petitioners submitted that the petition has been re-numbered as D.V.O.P.No.2 of 2018, before the same Court.

4. It is seen from the records that the petitioners 1 to 4 are living separately and the respondent is living separately and therefore, no domestic violence can be attributed as against the petitioners 1 to 4. The respondent has not made any specific allegations against the petitioners 1 to 4, 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 1 to 4 have been roped in a Domestic Violence Petition.

5. Heard the learned counsel appearing for the Petitioners and the learned counsel appearing for the respondent.

6. In the considered view of this Court, the petitioners 1 to 4 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.

7. In the result, the proceedings in D.V.O.P.No.2 of 2018, on the file of the Additional Mahila court, Madurai, is quashed, insofar as the petitioners are concerned. It is left open to the respondent herein to proceed further to prosecute the Domestic Violence Petition as against her husband.

8. This Criminal Original Petition is allowed and there shall be a direction to the learned Additional Mahila Judge, Madurai, to dispose of the proceedings in D.V.O.P.No.2 of 2018, as against the husband of the respondent, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

The Additional Mahila Court, Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-95836[F] dated 04/11/2019

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JMN(20.11.2019) 2P : 3C