



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.10.2019
CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

CRL.O.P(MD)No.10470 of 2017
and
CrI.M.P.(MD).No.7162 of 2017

1. Jebbakani Pappa
2. Jeyabalan
3. Mercy Sundaram ... Petitioners/Respondents 2 to 4

Vs.

K.Hemalatha ... Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in the petition in D.V.O.P.No.54 of 2017, on the file of the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District and quash the proceedings as against the petitioners herein initiated on the basis of the petition filed by the respondent.

For Petitioners : Mr.A.Thiruvadi Kumar
For Respondent : Mr.S.Subramanian

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P.No.54 of 2017, on the file of the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District, insofar as the petitioners herein are concerned.

2. The first Petitioner is the mother-in-law, the second petitioner is the father-in-law and the third petitioner is the sister-in-law of the respondent.

3. It is seen from the records that the petitioners 1 to 3 were living separately and the respondent is living separately and therefore, no domestic violence can be attributed as against the petitioners 1 to 3. The respondent has not made any specific allegations against the petitioners 1 to 3, 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 3 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 1 to 3 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.54 of 2017, on the file of the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District, 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.

7. This Criminal Original Petition is allowed and there shall be a direction to the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District, to dispose of the proceedings in D.V.O.P.No.54 of 2017, as against the husband, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.III,
Thoothukudi, Thoothukudi District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-92723[F] dated 18/10/2019)

+1 CC to Mr.A.THIRUVADI KUMAR, Advocate (SR-92790[F] dated 18/10/2019)

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TSG

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