



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.11526 of 2017

and

CrL.M.P(MD)Nos.7904 & 7905 of 2017

1. Nalla Muthuammal
2. Ponsekar
3. Esakkithai @ Malliga
4. Thomas Rajan @ Sankar

...Petitioners/Respondents 3 to 6

Vs.

Shanmugasundari

...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.7 of 2017, on the file of the learned Judicial Magistrate Sathankulam, Thoothukudi District and quash the proceedings insofar as the petitioners herein are concerned.

For Petitioners : Mr.A.Thiruvadi Kumar

For Respondent : Mr.C.K.M.Appaji

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P.No.7 of 2017, on the file of the learned Judicial Magistrate, Sathankulam, Thoothukudi District, insofar as the petitioners herein are concerned.

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

3. 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.



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 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.

6. In the result, the proceedings in D.V.O.P.No.7 of 2017, on the file of the learned Judicial Magistrate, Sathankulam, 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 the other respondents.

7. This Criminal Original Petition is allowed and there shall be a direction to the learned Judicial Magistrate, Sathankulam, Thoothukudi District, to dispose of the proceedings in D.V.O.P.No.07 of 2017, as against the other respondents, 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 Judicial Magistrate,
Sathankulam, Thoothukudi District.

+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-92712[F] dated 17/10/2019)

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-92791[F] dated 18/10/2019)

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JMN(06.11.2019) 2P : 4C