



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.11556 of 2017

and

CrL.M.P(MD)Nos.7925 & 7926 of 2017

1. Malaivel Gounder
2. Sankarammal
3. Packiyam
4. Sakthivel

...Petitioners/Respondents 2 to 5

Vs.

Rathika @ Alagammal

...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the petition in D.V.M.C.No.8 of 2016, on the file of the learned District Munsif cum Judicial Magistrate, Aundipatty and quash the same insofar as the petitioners herein are concerned.

For Petitioners : Mr.T.R.Jeyapalam
For Respondent : Mr.R.Karunanidhi

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.M.C.No.8 of 2016, on the file of the learned District Munsif cum Judicial Magistrate, Aundipatty, insofar as the petitioners herein are concerned.

2. The first Petitioner is the father-in-law of the respondent and it is stated that he died on 10.02.2019. The second petitioner is the mother-in-law, third petitioner is the sister-in-law of the respondent and fourth petitioner is the husband 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 close relationship with the respondent, the petitioners 1



to 4 have been roped in a Domestic Violence Petition.

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

WEB COPY

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.M.C.No.8 of 2016, on the file of the District Munsif cum Judicial Magistrate, Aundipatty, 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 District Munsif cum Judicial Magistrate, Aundipatty, to dispose of the proceedings in D.V.M.C.No.8 of 2016, as against the husband, 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)

To

1. The District Munsif cum Judicial Magistrate,
Aundipatty.

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

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-92761[F] dated 18/10/2019)

CRL.O.P(MD)No.11556 of 2017

17.10.2019

KM/(05.11.2019) 2P 4C