



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.11744 of 2017

and

CrL.M.P(MD)No.8090 of 2017

1. V.Subbulakshmi
2. M.Eswaramoorthy

...Petitioners/Respondents 2 & 3

Vs.

A.Vettriselvi

...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in D.V.C.No.26 of 2017, on the file of the learned Judicial Magistrate No.I, 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.Moorthy

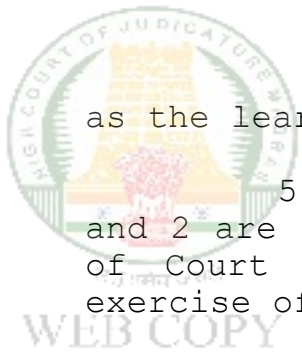
ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.C.No.26 of 2017, on the file of the learned Judicial Magistrate No.I, Thoothukudi, Thoothukudi District insofar as the petitioners herein are concerned.

2. The first Petitioner is the sister-in-law of the respondent and the second petitioner is the paternal uncle of the respondent's husband.

3. It is seen from the records that the petitioners 1 and 2 were living separately and the respondent is living separately and therefore, no domestic violence can be attributed as against the petitioners 1 and 2. The respondent has not made any specific allegations against the petitioners 1 and 2, 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 and 2 have been roped in a Domestic Violence Petition.

<https://hcservices.ecourts.gov.in/hcservices> 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 and 2 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.C.No.26 of 2017, on the file of the Judicial Magistrate Court No.I, 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 Judicial Magistrate Court No.I, Thoothukudi, Thoothukudi District, to dispose of the proceedings in D.V.C.No.26 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-III)

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

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

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

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-92792[F] dated 18/10/2019)

CRL.O.P(MD)No.11744 of 2017
17.10.2019

JMN(30.10.2019) 2P : 4C