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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.10.2019**

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.11965 of 2017
and
CrL.M.P(MD)No.8236 of 2017

1. Papathiammal
2. Selvakumar
3. Pushpalatha
4. Thamaraiselvi
5.Dhanapalan ...Petitioners

Vs.

S.Usha ...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pending on the file of the learned Judicial Magistrate No.II, Kumbakonam in D.V.C.No.08 of 2017 and quash the criminal proceedings.

For Petitioners : Mr.S.Chellapandian
For Respondent : Mr.V.Chandrasekar

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.C.No.08 of 2017, on the file of the learned Judicial Magistrate No.II, Kumbakonam, insofar as the petitioners herein are concerned.

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

3. It is seen from the records that the petitioners 1 to 5 are living separately and the respondent is living separately and therefore, no domestic violence can be attributed as against the petitioners 1 to 5. The respondent has not made any specific allegations against the petitioners 1 to 5, 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

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domestic relationship with the respondent, the petitioners 1 to 5 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 5 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.08 of 2017, on the file of the Judicial Magistrate No.II, Kumbakonam, 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 No.II, Kumbakonam, to dispose of the proceedings in D.V.C.No.08 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 (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

1. The Judicial Magistrate No.II, Kumbakonam.

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

+1 CC to M/s.S.CHELLAPANDIAN, Advocate SR-92832.

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