



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.12028 of 2017

and

CRL.M.P(MD)Nos.8286, 8287 of 2017& 491 of 2019

1. K.Dinesh
2. Kasthuri Bai
3. K.Nithya
4. K.Vidhya
5. Padma Priya

...Petitioners / Respondents

Vs.

P.Seji

...Respondent / Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining in connection with the D.V.O.P.No.04 of 2017, on the file of the learned Principal District Munsif cum Judicial Magistrate, Eraniel and quash the same.

For Petitioners : Mr.S.Bharathy Kannan

For Respondent : Ms.S.Prabha

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P.No.04 of 2017, on the file of the learned Principal District Munsif cum Judicial Magistrate, Eraniel.

2. The first Petitioner is the husband, second Petitioner is the mother-in-law, third and fourth petitioners are sisters-in-law of the respondent and fifth petitioner is the alleged second wife of the first petitioner.

3. It is seen from the records that the petitioners 2 to 5 are living separately and the respondent is living separately and therefore, no domestic violence can be attributed as against the petitioners 2 to 5. The respondent has not made any specific allegations against the petitioners 2 to 5 except for certain general allegations and certain specific averments have been made by the respondent only against the 1st petitioner. Even in the absence of evidence of a domestic relationship with the respondent, the



petitioners 2 to 5 have been roped in a domestic violence petition.

4. Heard the learned counsel for the Petitioners and the learned counsel appearing for the respondent.

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5. In the considered view of this Court, the 1st petitioner has to necessarily face the proceedings before the Court below. In-so-far-as the petitioners 2 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.O.P.No.04 of 2017, on the file of the learned Principal District Munsif cum Judicial Magistrate, Eraniel, is quashed insofar as the 2nd to 5th petitioners are concerned. Insofar as the first Petitioner/husband is concerned, this Petition stands dismissed. It is left open to the respondent to proceed further to prosecute the domestic violence petition as against the husband / 1st petitioner.

7. This Criminal Original Petition is partly allowed and there shall be a direction to the learned Principal District Munsif cum Judicial Magistrate, Eraniel, to dispose of the proceedings in D.V.O.P.No.04 of 2017, as against the husband/1st petitioner within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

The Principal District Munsif cum
Judicial Magistrate, Eraniel.

+1 CC to M/s.S.PRABHA, Advocate (SR-92923[F] dated 18/10/2019)

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KM/ (01.11.2019) 2P 3C