



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P (MD) No.12055 of 2017

and

CRL.M.P (MD) Nos.8298 and 8299 of 2017

and

CRL.O.P (MD) No.8380 of 2019

1.Sankaranarayanan

2.Vijayalakshmi

3.Balaji

4.Uma Maheswari

...Petitioners/Respondents

Vs.

Pitchaikani

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in D.V.C.No.4 of 2017, on the file of the learned Judicial Magistrate No.I, Sivakasi and to quash the same.

For Petitioners : Mr.S.Pon Senthil Kumaran

For Respondent : Mr.S.Selvakumar

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.C.No.4 of 2017, on the file of the learned Judicial Magistrate No.I, Sivakasi.

2.The first Petitioner is the brother in law of one Arumugam, the Second Petitioner is the sister of Arumugam, third Petitioner is the brother of Arumugam and fourth Petitioner is the sister in law of Arumugam.

3.The respondent's daughter Thoranathammal was married to Arumugam in the year 2009. Unfortunately, the said Arumugam and the daughter of the respondent and parents of Arumugam died in a road accident on 19.01.2015.

4.The respondent has now filed a Petition under Section 12 of the Domestic Violence Act against the Petitioners on the ground that they are in possession of the sridhana properties given to the daughter of the respondent at the time of her marriage.

5.Heard the learned counsel appearing for the Petitioners and the learned counsel appearing on behalf of the respondent.

6.The Petition that has been filed by the respondent is not maintainable in law. There is no domestic relation ship between the parties and admittedly, the Petitioners are living separately and they have nothing to do with the matrimonial life of Arumugam and the respondent's daughter Thoranathammal. The Court below went wrong



in taking the Petition on file and ought to have returned the Petition on the ground of maintainability.

7. In view of the above, the continuation of the proceedings against the Petitioners is an abuse of process of Court and the same requires interference of this Court in exercise of its jurisdiction under Section 482 of Criminal Procedure Code.

8. In the result, the proceedings in D.V.C.No.4 of 2017, on the file of the learned Judicial Magistrate No.I, Sivakasi is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

vsn

To

The Judicial Magistrate No.I,
Sivakasi.

+1 CC to M/s.S.PON SENTHIL KUMARAN, Advocate (SR-100877[F] dated 25/11/2019)

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SMA/11/12/19/2P/3C