



WEB COPY

CRL.O.P(MD)No.13655 of 2017

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.13655 of 2017

and

CrL.M.P (MD)Nos.9190 & 9191 of 2017

M.Amutha

... Petitioner /Accused No.2

Vs.

Muthumari

... Respondent/ De facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating in D.V.O.P.No.9 of 2017, on the file of the learned Judicial Magistrate Court, Nanguneri, Tirunelveli District and quash the same insofar as the petitioner herein is concerned.

For Petitioner : Mr.R.Mathiyalagan

For Respondent : Mr.R.Anand

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P.No.9 of 2017, on the file of the learned Judicial Magistrate Court, Nanguneri, Tirunelveli District, insofar as the petitioner herein is concerned.

2. The first Petitioner is the mother-in-law of the respondent.

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

4. Heard the learned counsel for the Petitioner as well as the learned counsel for the respondent.



5. In the considered view of this Court, the petitioner is 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.9 of 2017, on the file of the Judicial Magistrate Court, Nanguneri, Tirunelveli District, is quashed, insofar as the petitioner herein is concerned. It is left open to the respondent herein to proceed further to prosecute the Domestic Violence Petition as against the other respondents.

7. This Criminal Original Petition is allowed and there shall be a direction to the Judicial Magistrate Court, Nanguneri, Tirunelveli District, to dispose of the proceedings in D.V.O.P.No.09 of 2017, as against the other respondents, 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 (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Tsg

To

1. The Judicial Magistrate,
Nanguneri, Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate SR-92935.

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