



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.10.2019
CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

CRL.O.P (MD)No.14627 of 2017

and

CRL.M.P(MD)Nos.9751 & 9752 of 2017

1. S.Kumar
2. Rathikandham
3. S.Ayya
4. S.Asokan
5. Nirmala
6. S.Aadhavan
7. Seetha

... Petitioners

Vs.

Anbukkarasi

... Respondent

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

For Petitioners : Mr.C.Dhanaseelan

For Respondent : Mr.M.Mohamed Sherbudeen

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P.No.4 of 2017, on the file of the Judicial Magistrate Court, Thirumanalam.

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

3. It is seen from the records that the petitioners 2 to 7 are living separately and the respondent is living separately and therefore, no domestic violence can be attributed as against the petitioners 2 to 7. The respondent has not made any specific allegations against the petitioners 2 to 7 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 a domestic relationship with the respondent, the petitioners 2 to 7 have been roped in a domestic violence petition.



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

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 7 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.4 of 2017, on the file of the learned Judicial Magistrate, Thirumangalam, is quashed insofar as the petitioners 2 to 7 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 Judicial Magistrate Court, Thirumangalam, to dispose of the proceedings in D.V.O.P.No.4 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 (writs)

// True Copy //

Sub Assistant Registrar(CS)

To

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

+1 CC to Mr.M.MOHAMED SHERBUDEEN, Advocate (SR-92957[F] dated 18/10/2019)

+1 CC to Mr.C.DHANASEELAN, Advocate (SR-93073[F] dated 18/10/2019)

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17.10.2019

tsg

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