



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.16157 of 2017

and

CrL.M.P(MD)Nos.10702 & 10703 of 2017

1. Antony Jeyarani
2. Antony Alphones Nadar
3. Antony Jeya

...Petitioners/ Accused Nos.2 to 4

Vs.

J.Michel Vimala

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the complaint in D.V.O.P.No.29 of 2017, on the file of the learned Judicial Magistrate No.I, Tuticorin and quash the same insofar as the petitioners herein are concerned.

For Petitioners : Mr.M.Subash Babu
For Respondent : Mr.V.Sasikumar

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P.No.29 of 2017, on the file of the learned Judicial Magistrate No.I, Tuticorin, insofar as the petitioners herein are concerned.

2. The first Petitioner is the mother-in-law, second petitioner is the father-in-law and third petitioner is the sister-in-law of the respondent.

3. It is seen from the records that the petitioners 1 to 3 are living separately and the respondent is living separately and therefore, no domestic violence can be attributed as against the petitioners 1 to 3. The respondent has not made any specific allegations against the petitioners 1 to 3, 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 petitioners 1 to 3 have been roped in a Domestic Violence Petition.

4. Heard the learned counsel appearing for the Petitioners as well as the learned counsel appearing for the respondent.



5. In the considered view of this Court, the petitioners 1 to 3 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.

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6. In the result, the proceedings in D.V.O.P.No.29 of 2017, on the file of the learned Judicial Magistrate No.I, Tuticorin, 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 learned Judicial Magistrate No.I, Tuticorin, to dispose of the proceedings in D.V.O.P.No.29 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 petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.I, Tuticorin.

+1CC TO MR.M.SUBASH BABU, Advocate Sr. No. 92994

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MA (CO)

TR(04.11.2019) 2P 3C