



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.17349 of 2017

and

CrL.M.P (MD) Nos.11371 & 11372 of 2017

S. Natarajan

...Petitioner / 11th Respondent

Vs.

M.Dhana Lakshmi

...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the complaint in D.V.A.No.2 of 2017, on the file of the learned Judicial Magistrate No.I, Srivilliputhur, and quash the same insofar as the petitioner herein is concerned.

For Petitioner : Mr.V.Perumal

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.A.No.2 of 2017, on the file of the learned Judicial Magistrate No.I, Srivilliputhur, insofar as the petitioner herein is concerned.

2. The petitioner is no way related with the husband or the wife and he is a rank third party to the proceedings.

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 appearing for the Petitioner.



5. In the considered view of this Court, the petitioner herein 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.A.No.2 of 2017, on the file of the Judicial Magistrate No.I, Srivilliputhur, is quashed insofar as the petitioner is concerned. It is left open to the respondent herein to proceed further to prosecute the Domestic Violence Petition as against the other respondents are concerned.

7. This Criminal Original Petition is allowed and there shall be a direction to the Judicial Magistrate No.I, Srivilliputhur, to dispose of the proceedings in D.V.A.No.02 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

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

The Judicial Magistrate No.I, Srivilliputhur.

+1 CC to M/s.V.PERUMAL, Advocate (SR-92749[F] dated 18/10/2019)

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JMN(06.11.2019) 2P : 3C