



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P (MD) No.3779 of 2017

and

CrL.M.P (MD) Nos.2771 and 2772 of 2019

1.Avudaiyammal
2.Petchiamal
3.Kumar
4.Saravanan
5.Rajeswari
6.Muneeswari

...Petitioners/Respondents 2 to 7

Vs.

Jeyalakshmi

...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the case in D.V.C.No.13 of 2016, pending on the file of the learned Judicial Magistrate Court, Aruppukkottai and quash the same.

For Petitioners : Mr.M.Solaisamy

For Respondent : Mr.V.Om Prakash

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.A No.13 of 2016 initiated by the respondent under the Domestic Violence Act.

2. The first Petitioner is the mother in law, second Petitioner is the sister in law, third and fourth Petitioners are brothers in law and Petitioners 5 and 6 are stated to have illicit relationship with the husband of the respondent.

3. It is seen from the records that the petitioners 1 to 6 were living separately and the respondent is living with her separately and therefore, no domestic violence can be attributed as against the petitioners 1 to 6. The respondent has not made any specific allegations against the petitioners 1 to 6, 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 6 have been roped in a domestic violence petition.

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

WEB COPY

5. In the considered view of this Court, the petitioners 1 to 6 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.13 of 2016, on the file of the learned Judicial Magistrate Court, Aruppukkottai is quashed insofar as the petitioners are concerned. Insofar as the husband is concerned, it is left open to the respondent to proceed further to prosecute the domestic violence petition as against the husband.

7. This Criminal Original Petition is allowed and there shall be a direction to the Judicial Magistrate Aruppukkottai to dispose of the proceedings in D.V.A No.13 of 2016 as against the husband 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 (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

vsn

To
The Judicial Magistrate,
Aruppukkottai.

+1 CC to M/s.V.OMPRAKASH, Advocate (SR-92566[F] dated
17/10/2019)

CRL.O.P (MD) No.3779 of 2017
and

CrL.M.P (MD) No.2771 of 2019

17.10.2019

KM/ (04.11.2019) 2P 3C