



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.4287 of 2017

—

1.Rajasekar
2.Selvakani
3.Selvi

... Petitioners

Vs.

Kalyani

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in the petition in D.V.C.No.22 of 2016, on the file of the learned Judicial Magistrate, Ambasamuthiram, Tirunelveli District and quash the proceedings as against the petitioners herein initiated on the basis of the petition filed by the respondent.

For Petitioners : Mr.A.Thiruvadi Kumar
For Respondent : Mr.P.Gunasekaran

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.C.No.22 of 2016, on the file of the learned Judicial Magistrate, Ambasamuthiram, Tirunelveli District, initiated by the respondent, under the Domestic Violence Act.

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

3. The respondent has not made any specific allegations against the petitioners 2 and 3, except for certain general allegations and certain specific averments have been made by the respondent only against the 1st petitioner / husband.



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

6. In the result, the proceedings in D.V.C.No.22 of 2016, on the file of the learned Judicial Magistrate, Ambasamuthiram, Tirunelveli District, is quashed insofar as the petitioners 2 and 3 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 learned Judicial Magistrate, Ambasamuthiram, Tirunelveli District, to dispose of the proceedings in D.V.C.No.22 of 2016, as against the husband/1st petitioner, within a period of three months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

mpk

To
The Judicial Magistrate,
Ambasamuthiram,
Tirunelveli District

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-97341[F] dated 11/11/2019)