



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.4384 of 2017

and

CrL.M.P(MD)No.3138 of 2017

1.K.Manikandan

2.M.Pushpha

...Petitioners/Respondents 2 and 3

Vs.

1. Mrs.Sowmiya

2. Minor. Miruthalesh

...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the Petition filed under the Protection of Women from Domestic Violence Act, 2005 in D.V.No.1 of 2017, on the file of the learned Judicial Magistrate Court, Theni and quash the same as illegal.

For Petitioners : Mr.R.K.Karunanithi

For Respondent : Mr.S.Bala Karthick

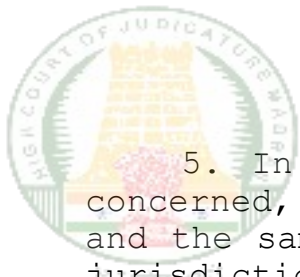
ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.No.1 of 2017, on the file of the learned Judicial Magistrate Court, Theni, initiated by the respondent under the Domestic Violence Act.

2. The first Petitioner is the father in law and the second Petitioner is the mother in law of the respondent.

3. It is seen from the records that the petitioners were living separately and the respondent is living with her husband separately and therefore, no domestic violence can be attributed as against the petitioners. The respondent has not made any specific allegations against the Petitioners, 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 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.



5. In the considered view of this Court, the petitioners 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.No.1 of 2017, on the file of the learned Judicial Magistrate Court, Theni, 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, Theni to dispose of the proceedings in D.V.No.01 of 2017 as against the husband within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

The Judicial Magistrate,
Theni.

CRL.O.P(MD)No.4384 of 2017

and

CrL.M.P(MD)No.3138 of 2017

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