



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.4719 of 2017

WEB COPY

1.Hendry Sahaya Sebastin
2.Michel Savier
3.Josephine Mary
4.Antony Santhiya

... Petitioners/Respondents

Vs.

Sasana Sahaya Mary

... Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in D.V.C.No.132 of 2016, on the file of Judicial Magistrate, Additional Mahila Court, Tiruchirappalli and quash the same.

For Petitioners : Mr.K.Muthukrishnan

For Respondent : Ms.Maria Roseline

O R D E R

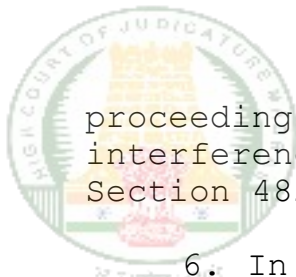
This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.C.No.132 of 2016, on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, initiated by the respondent, under the Domestic Violence Act.

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

3. It is seen from the records that the petitioners 2 to 4 were living separately and the respondent is living with her husband separately and therefore, no domestic violence can be attributed as against the petitioners 2 to 4. The respondent has not made any specific allegations against the petitioners 2 to 4, except for certain general allegations and certain specific averments have been made by the respondent only against the 1st petitioner. Even in the absence of a domestic relationship with the respondent, the petitioners 2 to 4 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 1st petitioner has to necessarily face the proceedings before the Court below. In-so-far-as the petitioners 2 to 4 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.132 of 2016, on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, is quashed insofar as the petitioners 2 to 4 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, Additional Mahila Court, Tiruchirappalli, to dispose of the proceedings in D.V.C.No.132 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 (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

mpk

To

The Judicial Magistrate,
Additional Mahila Court,
Tiruchirappalli

+1 CC to Mr.S.MUTHUKRISHNAN, Advocate (SR-97200[F] dated 11/11/2019)

+1 CC to M/s.J. MARIA ROSELINE, Advocate (SR-97472[F] dated 12/11/2019)

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