



**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.4808 of 2017**

Mardini @ Eswari

VG

... Petitioner

Vs.

1.M.L.Kasthuri Sindu

2.N.K.Padmasara

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to quash the proceedings in D.V.O.P.No.15 of 2016, on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District.

For Petitioner : Mr.G.Aravinthan  
For Respondent-1 : Mr.M.Ganesh  
For Respondent-2 : No Appearance

**O R D E R**

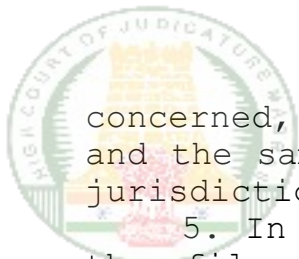
This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P.No.15 of 2016, on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District.

2. The Petitioner is a distant relative. It is seen from the records that the petitioner was living separately and the respondent is living with her husband 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. Even in the absence of a domestic relationship with the respondent, the petitioner has been roped in a domestic violence petition.

3. Heard the learned counsel for the Petitioner as well as the learned counsel for the first respondent.

4. In the considered view of this Court, the petitioner is

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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.

5. In the result, the proceedings in D.V.O.P.No.15 of 2016, on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District, is quashed insofar as the petitioner is concerned. Insofar as the other accused is concerned, it is left open to the first respondent to proceed further to prosecute the domestic violence petition as against them.

6. This Criminal Original Petition is allowed and there shall be a direction to the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District, to dispose of the proceedings in D.V.O.P.No.15 of 2016, insofar as the other accused, within a period of three months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

mpk

To

The Judicial Magistrate No.III,  
Nagercoil,  
Kanyakumari District.

+1 CC to M/s.G. ARAVINTHAN, Advocate ( SR-97706[F] dated 12/11/2019 )

**CRL.O.P (MD) No.4808 of 2017**

08.11.2019

KK/SAR/29.11.2019/2P-3C/