



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.4816 of 2017

and

CrL.M.P(MD)Nos.3368 and 3369 of 2019

1.Baluchamy Konar
2.Rajamani
3.Parameswari
4.Ramakrishnan

...Petitioners/Respondents

Vs.

Sharmila

...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in M.C.No.193 of 2014 on the file of the Additional Mahila Court, Madurai and quash the same.

For Petitioners : Mr.T.K.Gopalan
For Respondent : Mr.Babu Jaganath

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in M.C.No.193 of 2014, on the file of the Additional Mahila Court, Madurai.

2. The first Petitioner is the father in law, the second petitioner is the mother in law, the third Petitioner is the sister in law and fourth Petitioner is the brother in law of the respondent.

3.Though the relief sought for by the respondent cannot be granted in a Domestic Violence Petition, if at all, the respondent has any right in the property, she has to work out her remedy before the competent Civil Court and seek for appropriate relief. Hence the Domestic Violence Petition is not maintainable and the Court below ought not to have taken the Petition on file.

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, insofar as the petitioners 1 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 is quashed insofar as the petitioners are concerned. Accordingly, the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

The Additional Mahila Judge,
Madurai.

+1 CC to M/s.T.K.GOPALAN, Advocate (SR-100781[F] dated 22/11/2019)

ORDER MADE IN
CRL.O.P (MD)No.4816 of 2017
and
CrL.M.P (MD)Nos.3368 and
3369 of 2019
22.11.2019

vsn

SDS (12.12.2019) 2P 3C