



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)Nos.4939 and 4940 of 2017
and
CrL.M.P(MD)Nos.3489 and 3491 of 2017

CRL.O.P(MD)No.4939 of 2017

1.S.Saravanabava

2.M.Prabha Devi

3.S.Srividhya

3.K.Ganesan Gurukkal

...Petitioners/Respondents 4 to 7

Vs.

R.Santhiya

...Respondent/Petitioner

CRL.O.P(MD)No.4940 of 2017

1.Sundaram

2.S.Jegathambal

...Petitioners/Respondents 2 and 3

Vs.

R.Santhiya

...Respondent/Petitioner

COMMON PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to the impugned proceeding in D.V.C.No.16 of 2017 on the file of the learned Judicial Magistrate/Additional Mahila Court, Thiruchirappalli and quash the same.

CRL.O.P(MD)Nos.4939 and 4940 of 2017

For Petitioners : Mr.Antony Arul Raj

For Respondent : Mr.T.A.Punithan

ORDER

<https://hcservices.ecourts.gov.in/hcservices> These Criminal Original Petitions have been filed seeking to quash the proceedings in D.V.C.No.16 of 2017, on the file of the learned Judicial Magistrate/Additional Mahila Court,



Thiruchirappalli, initiated by the respondent under the Domestic Violence Act.

2. In CrL.O.P(MD)No.4939 of 2016, the first Petitioner is the brother in law, second petitioner is the maternal uncle and third Petitioner is sister of mother in law and the fourth respondent is a distant relative. In CrL.O.P(MD)No.4940 of 2017, the Petitioners are father in law and mother in law respectively 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.

6. In the result, the proceedings in D.V.C.No.16 of 2017 on the file of the learned Judicial Magistrate/Additional Mahila Court, Thiruchirappalli 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 Petitions are allowed and there shall be a direction to the Judicial Magistrate/Additional Mahila Court, Thiruchirappalli to dispose of the proceedings in D.V.C.No.16 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 petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

The Judicial Magistrate/Additional Mahila Court,
Thiruchirappalli.

+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate (SR-92529[F] dated
17/10/2019)

+2 CC to Mr.C.VAKEESWARAN, Advocate (SR-92855[F] dated 18/10/2019)

+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate (SR-92848[F] dated
18/10/2019)

CRL.O.P(MD)Nos.4939 and 4940 of 2017
and
CrL.M.P(MD)Nos.3489 and 3491 of 2017
17.10.2019

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