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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.4946 of 2017
and
CrL.M.P(MD)Nos.3495 and 3496 of 2017

Jeevarathinaboy ...Petitioners/Respondent No.2

Vs.

T.Meena ...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the impugned proceedings bearing D.V.O.P.No.28 of 2016, on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District and quash the same as illegal as against the Petitioner and devoid of merits.

For Petitioner : Mr.S.Palanivelayutham

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P.No.28 of 2016, on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District initiated by the respondent under the Domestic Violence Act.

2. The Petitioner is the mother in law of the respondent.

3. It is seen from the records that the petitioner is 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 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 petitioner has been roped in a domestic violence petition.

4. Heard the learned counsel for the Petitioner. Even though notice was served on the respondent and her name was also found printed in the cause list, there is no appearance on behalf of her either in person or through counsel.

5. In the considered view of this Court, the petitioner is concerned, the entire proceedings is an abuse of process of Court and the same requires interference of this Court in exercise of its

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jurisdiction under Section 482 of Cr.P.C.

6. In the result, the proceedings in D.V.O.P.No.28 of 2016, on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District is quashed insofar as the petitioner is 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 Valliyoor, Tirunelveli District to dispose of the proceedings in D.V.O.P.No.28 of 2016 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(CO)

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

The Judicial Magistrate,
Valliyoor,
Tirunelveli District.

CRL.O.P(MD)No.4946 of 2017
and
CrL.M.P(MD)Nos.3495 and 3496 of 2017
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KMV(CO)
TR(07.11.2019) 2P 2C

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