



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)No.4978 of 2017

and

CrL.M.P(MD)No.3521 of 2017

1.Muthuraj
2.Geetha
3.Palanichamy
4.Rajeswari
5.P.Nagaraj
6.Theivendran

...Petitioners/Respondents

Vs.

Makkal Thilagam @ Selvi.

...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in D.V.O.P.No.4 of 2016, on the file of the Judicial Magistrate, Nilakkottai and quash the same.

For Petitioners : Mr.T.A.Ebenezer

For Respondent : Mr.K.Manikandan

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P.No.4 of 2016, on the file of the Judicial Magistrate, Nilakkottai, initiated by the respondent under the Domestic Violence Act.

2.The first Petitioner is the husband, second Petitioner is the mother in law, third Petitioner is the father in law, fourth Petitioner is the sister in law, 5th Petitioner is the brother in law and sixth Petitioner is the distant relative of the respondent.

3. It is seen from the records that the petitioners 2 to 6 were living separately and the respondent is living with her husband /1st petitioner and therefore, no domestic violence can be attributed as against the petitioners 2 to 6. The respondent has not made any specific allegations against the petitioners 2 to 6 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 6 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 6 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.O.P.No.4 of 2016, on the file of the Judicial Magistrate, Nilakkottai, is quashed insofar as the 2nd to 6th petitioners 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 Judicial Magistrate Nilakkottai to dispose of the proceedings in D.V.O.P.No.4 of 2016 as against the husband/1st petitioner within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

vsn
To
The Judicial Magistrate,
Nilakkottai.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-92631[F] dated 17/10/2019)

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KK/SAR/04.11.2019/2P-3C/