



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.5059 of 2017

and

CrL.M.P(MD)Nos.3576 and 3577 of 2017

1.Edwin Mary

2.Kalaimary

.. Petitioners/Accused Nos.4 & 5

Vs.

Renita

...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the D.V.C. Case No.75 of 2016 on the file of the learned Additional Mahila Court, Theni and quash the same insofar as these petitioners/Accused Nos.4 and 5 are concerned.

For Petitioners : Mr.J.Lawrance

For Respondent : Mr.A.Thiruvadikumar

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.C.Case No.75 of 2016 initiated by the respondent under the Domestic Violence Act.

2. The first Petitioner is claimed to be the second wife and the second petitioner is the mother of the first petitioner.

3. It is seen from the records that the petitioners were living separately and the respondent is living 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. Case No.75 of 2016 on the file of the learned Judge, Additional Mahila Court, Theni, is quashed insofar as the petitioners are concerned. It is left open to the respondent to proceed further to prosecute the Domestic Violence petition as against the other respondents in the petition.

7. This Criminal Original Petition is allowed and there shall be a direction to the learned Judge, Additional Mahila Court, Theni, to dispose of the proceedings in D.V.C. Case No.75 of 2016, as against the other respondents, within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

TM

To

The Judge, Additional Mahila Court,
Theni.

CRL.O.P (MD) No.5059 of 2017

24.10.2019

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