



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.5335 of 2017

1.Angammal
2.T.Ayyappa Manikandan @ Ayyappan
3.T.Selvam @ Selvaraj
4.T.Murugesan ...Petitioners/Respondents 2 to 5

Vs.

Shanthi ...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in proceedings in D.V.O.P.No.12 of 2016 before the learned Judicial Magistrate No.III, Dindigul and quash the same as against the Petitioners 1 to 4.

For Petitioners : Mr.V.Baskaran
For Respondent : Mr.V.Om Prakash

ORDER

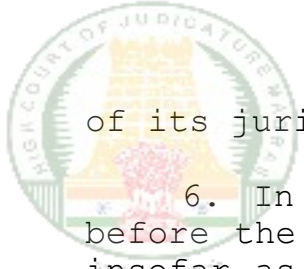
This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.O.P.No.12 of 2016 before the learned Judicial Magistrate No.III, Dindigul, initiated by the respondent under the Domestic Violence Act.

2. The Petitioners herein are the in laws of the respondent.

3. It is seen from the records that the petitioners 1 to 4 were living separately and the respondent is living with her husband separately and therefore, no domestic violence can be attributed as against the petitioners 1 to 4. The respondent has not made any specific allegations against the petitioners 1 to 4, 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 1 to 4 have been roped in a domestic violence petition.

4. Heard the learned counsel for the Petitioners and perused the materials placed before this Court.

5. In the considered view of this Court, 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 in D.V.O.P.No.12 of 2016 before the learned Judicial Magistrate No.III, Dindigul, 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 Petition is allowed and there shall be a direction to the Judicial Magistrate No.III, Dindigul, to dispose of the proceedings in D.V.O.P.No.12 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(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

The Judicial Magistrate No.III,
Dindigul.

CRL.O.P(MD)No.5335 of 2017

17.10.2019

GKG(CO)

TR(06.11.2019) 2P 2C