



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 18.10.2019  
CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Crl.O.P(MD)No.6636 of 2017**

**and**

**Crl.M.P(MD)Nos.4339 & 4340 of 2017 and 4557 of 2018**

1.G.Thanga Elango @ Manikkarajan  
2.G.Malarmani  
3.G.Thirumurugan  
4.Sundarajan  
5.T.Easwaran

... Petitioners/ Respondents

Vs.

Meena Alias Meenammal

... Respondent / Petitioner

**PRAYER:-** Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the case in D.V.C.9/2017, on the file of the learned Judicial Magistrate, Sivakasi and quash the same as illegal.

For Petitioners : Mr.Dhana Chandra Prakash  
For Respondent : Mr.K.Suresh Kumar

**ORDER**

The first petitioner is the husband. The second petitioner is the mother-in-law. The third petitioner is the father-in-law. The fourth petitioner is the maternal uncle of the first petitioner. The fifth petitioner is the paternal uncle of the first petitioner.

2. Heard the learned counsel on either side and perused the materials available on record.

3. It is seen from the records that there is a dispute with regard to the very relationship of the husband and wife between the first petitioner and the respondent. The case of the respondent is that she was married to one Manickam @ Manikkaraj and she thereafter developed a relationship with the first petitioner. This is clear from the legal notice issued by her on 30.04.2013 to the first petitioner. Thereafter, she started developing a bigger story by virtue of giving a police complaint. This became a subject matter of investigation and the enquiry was closed as mistake of fact. This has been recorded by this Court in its order, dated 16.06.2014, made in Cont.P.(MD).493 of 2014.



4. The respondent thereafter came with a completely new story in the Domestic Violence petition and for the first time, she claimed that she married the first petitioner on 23.11.1981.

5. From the sequence of events and after hearing the learned counsel appearing on either side, this Court is convinced that the respondent has sought to misuse the provisions of the Domestic Violence Act, which was enacted for a more laudable purpose of preventing domestic violence of women in a domestic relationship. When the very domestic relationship itself is under question in this case, it is not known how the respondent can maintain a petition under Domestic Violence Act and seek for the various remedies in this petition. This Court is convinced that the petition itself is an abuse of process of law and the same requires interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. Accordingly, the proceedings in D.V.C.No.9 of 2017, on the file of the learned Judicial Magistrate, Sivakasi, is hereby quashed.

6. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS )

To

The Judicial Magistrate,  
Sivakasi.

+1 CC to Mr.D.DHANA CHANDRA PRAKASH, Advocate ( SR-92917[F] dated 18/10/2019 )

+1 CC to Mr.K.SURESH KUMAR, Advocate ( SR-93389[F] dated 21/10/2019 )

**Cr1.O.P(MD)No.6636 of 2017**  
**18.10.2019**

**PJL**

MK (11.11.2019) 2P 4C