



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.7730 of 2017

and

CrL.M.P (MD) Nos.5288 and 5289 of 2017

S.Jebaraj Mangalesh

...Petitioners/Respondent No.2

Vs.

Mary Grace Chandrakumari

...Respondent/Defacto
complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the proceedings in D.V.C.No.9 of 2016 on the file of the Judicial Magistrate No.I, Tirunelveli and quash the same insofar as this Petitioner/Second respondent is concerned.

For Petitioner : Mr.P.Senthurpandian

For Respondent : D.Srinivasaraghavan

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.C.No.9 of 2016 on the file of the Judicial Magistrate No.I, Tirunelveli, initiated by the respondent under the Domestic Violence Act.

2. The first Petitioner is the son of the first wife.

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 as well as the learned counsel for the respondent.



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 jurisdiction under Section 482 of Cr.P.C.

6. In the result, the proceedings in D.V.C.No.9 of 2016, on the file of the Judicial Magistrate No.I, Tirunelveli is quashed insofar as the petitioner is concerned. Insofar as the husband and another person found in the complaint is concerned, it is left open to the respondent to proceed further to prosecute the domestic violence petition as against them.

7. This Criminal Original Petition is allowed and there shall be a direction to the Judicial Magistrate No.I, Tirunelveli to dispose of the proceedings in D.V.C.No.9 of 2016 as against the husband and another 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 (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

The Judicial Magistrate No.I,
Tirunelveli.

+1 CC to M/s.P.SENTHUR PANDIAN, Advocate (SR-93188[F] dated 21/10/2019)

CRL.O.P(MD)No.7730 of 2017
and

CrL.M.P(MD)Nos.5288 and 5289 of 2017
17.10.2019

JMN(11.11.2019) 2P : 3C