



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.7738 of 2017

and

CRL.M.P(MD)Nos.5295 and 5296 of 2017

1.Ravishankar
2.John Mathalai
3.Arockia Mary
4.K.Meena
5.S.Kirubakaran
6.Vasanth Mary

...Petitioners/Respondents 1 to 3 and 5
to 7

Vs.

1.Kavitha

2.Minor R.Jovitha Little Mebal

(minor second respondent is represented by her mother and
first respondent herein Kavitha) ...Respondents/complainants

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the complaint in D.V.No.33 of 2017 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Trichy and quash the same.

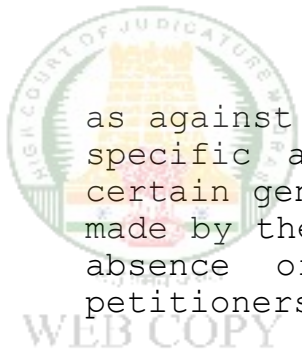
For Petitioners : Mr.A.Joel Paul Antony

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.No.33 of 2017 initiated by the first respondent under the Domestic Violence Act.

2. The first Petitioner is the husband, second Petitioner is the father in law, third Petitioner is the mother in law, fourth Petitioner is the sister in law, fifth Petitioner is the husband of sister in law and sixth Petitioner is the sister of mother in law.

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 and perused the materials placed before this Court.

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.No.33 of 2017, on the file of the learned learned Judicial Magistrate, Additional Mahila Court, Trichy 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, Additional Mahila Court, Trichy to dispose of the proceedings in D.V. No.33 of 2017 as against the husband/1st petitioner within a period of three months from the date of receipt of copy of this order. The learned counsel for the Petitioner submitted that the first Petitioner, who is the husband of the first respondent, is a teacher and therefore requested this Court to dispense with his appearance. The first Petitioner shall be represented by his counsel and he shall be present before the court below as and when required during the important dates of hearing. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

vsn

<https://hcservices.ecourts.gov.in/hcservices/>



To

The Judicial Magistrate,
Additional Mahila Court,
Trichy.

+1 CC to M/s.A.JOEL PAUL ANTONY, Advocate (SR-92563[F] dated 17/10/2019)

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-92831[F] dated 18/10/2019)

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KK/SAR/01.11.2019/3P-4C/