



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.7784 of 2017

and

CRL.M.P(MD)No.5311 of 2017

1.R.Kadhar Batcha
2.R.Sameem
3.K.Nazar
4.R.Sadhaam
5.R.Sidik Ussain
6.Jeilaani
7.S.Fathima
8.Sidhik
9.J.Rahamath

...Petitioners/Respondents

Vs.

Nazera @ Nazera Begam

...Respondent/complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the D.V.C.No.4 of 2017 on the file of the learned Judicial Magistrate, Periakulam and quash the proceedings as against the Petitioners herein.

For Petitioners : Mrs.A.Banumathy
Mr.J.Sulthan Basha for
For Respondent : Mr.Ajmal Associates

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.C No.4 of 2017 initiated by the respondent under the Domestic Violence Act.

2. The first Petitioner is the husband, second Petitioner is the mother in law, Petitioners 3,4 and 5 are sisters in law, sixth Petitioner is the aunt of the first Petitioner , 7th Petitioner is the aunt, 8th Petitioner is the uncle and 9th Petitioner is the daughter of the aunt.

3. It is seen from the records that the petitioners 2 to 9 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 9. The respondent has not made any



specific allegations against the petitioners 2 to 9 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 9 have been roped in a domestic violence petition.

WEB COPY

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 1st petitioner has to necessarily face the proceedings before the Court below. In-so-far-as the petitioners 2 to 9 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.No.4 of 2017, on the file of the learned Judicial Magistrate, Periakulam is quashed insofar as the 2nd to 9th 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, Periakulam to dispose of the proceedings in D.V..C.No.4 of 2017 as against the husband/1st petitioner within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

vsn
To

The Judicial Magistrate, Periakulam.

+1CC TO MR.AJMAL ASSO., Advocate Sr. No. 93181

CRL.O.P(MD)No.7784 of 2017
and

CRL.M.P(MD)No.5311 of 2017

17.10.2019