



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.(MD) No.861 of 2017

and

Crl.M.P.(MD) Nos.738 & 739 of 2017

1) Venkatesan
2) Murugesan
3) Muthulakshmi ... Petitioners / Respondents 1 to 3

Vs.

Archana @ Lakshmi Priya ... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the private complaint in Crl.M.P.No.4805 of 2016 dated 17.11.2016 under Section 12 of Protection of Women from Domestic Violence Act, 2005 on the file of the learned Judicial Magistrate No.2, Tanjore and quash the same as illegal.

For Petitioners : Mr.S.Vijayakumar
For Respondent : Mr.G.Karnan

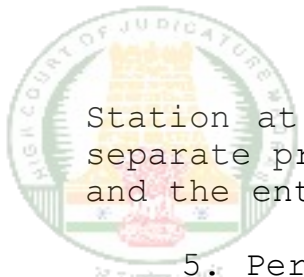
O R D E R

This Criminal Original Petition has been filed seeking to quash the records pertaining to the private complaint in Crl.M.P.No.4805 of 2016 dated 17.11.2016 under Section 12 of Protection of Women from Domestic Violence Act, 2005 on the file of the learned Judicial Magistrate No.2, Tanjore.

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

3. A private complaint was given by the respondent against the petitioners in Crl.M.P.No.4805 of 2016, dated 17.11.2016, before the learned Chief Judicial Magistrate No.2, Tanjore under Section 12 of Protection of Women from Domestic Violence Act, 2005.

4. The learned counsel for the petitioners submitted that the first petitioner herein is the husband, second petitioner is the father-in-law and third petitioner is the mother-in-law of the respondent. The learned counsel submitted that the family members have been roped unnecessarily in this case only with a view to harass them. The learned counsel further submitted that the respondent already lodged a complaint before the All Women Police



Station at Vallam, Tanjore District dated 21.06.2016 and this is a separate private complaint that was registered against the husband and the entire criminal prosecution is being abused.

5. Per contra, the learned counsel appearing for the respondent submitted that the respondent has been continuously harassed by the accused persons and they have demanded dowry. That apart, the age of the first petitioner was suppressed during the time of marriage and when the same fact came to the knowledge of the respondent and when she enquired the petitioner regarding his age, she was abused and harassed by the petitioner and the in-laws.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. This Court finds that there are certain specific allegations made against the 1st petitioner, who is the husband and the father-in-law and mother-in-law have nothing to do with the alleged offense and they have been unnecessarily roped in as accused persons in this case. In a dispute, which is purely between the respondent on the one hand and her husband/ 1st petitioner, the petitioner's parents (A-2 and A-3) have been made as an accused.

8. In view of the above, this Court has to necessarily interfere with the proceedings insofar as the petitioners 2 and 3 are concerned. Continuation of the proceedings against them will amount to an abuse of process of Court.

9. In the result, the Criminal Original Petition is partly allowed and the proceedings in Crl.M.P.No.4805 of 2016, dated 17.11.2016 pending on the file of the learned Judicial Magistrate No.2, Tanjore is quashed insofar as petitioners 2 to 3 (A-2 & A-3) are concerned and the proceedings can continue insofar as the 1st petitioner/A-1 is concerned. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.2, Tanjore.

+1CC TO MR.S.VIJAYA KUMAR, Advocate Sr. No. 95750

Order made in

Crl.O.P. (MD) No.861 of 2017

VR (CO)

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