



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.8886 of 2017

and

CrL.M.P(MD)Nos.6015 and 6016 of 2017

Selva Prabha
No.4

...Petitioner/Respondent

Vs.

Jasphin Deepa

...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Petitioner in D.V.C.No.4 of 2016 filed under Protection of Women from Domestic Violence Act, 2005, before the Judicial Magistrate No.II, Kuzhithurai and quash the same as against this Petitioner.

For Petitioner : Mr.S.Ramasamy
For Respondent : Mr.T.Antony Arul Raj

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.C No.4 of 2016 initiated by the respondent under the Domestic Violence Act.

2. The Petitioner is the concubine of the respondent's husband.

3. It is seen from the records that the petitioner was 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.

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

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.4 of 2016, on the file of the learned Judicial Magistrate No.II, Kuzhithurai is quashed insofar as the petitioner is concerned. Insofar as the husband and others are concerned, it is left open to the respondent to proceed further to prosecute the domestic violence petition as against the husband.

7. This Criminal Original Petition is allowed and there shall be a direction to the Judicial Magistrate No.II, Kuzhithurai to dispose of the proceedings in D.V.C No.4 of 2016 as against the husband and others 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.II,
Kuzhithurai.

+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate (SR-92530[F] dated 17/10/2019)

+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate (SR-92849[F] dated 18/10/2019)

+1 CC to Mr.S.RAMASAMY, Advocate (SR-93033[F] dated 18/10/2019)

CRL.O.P(MD)No.8886 of 2017

and

CrL.M.P(MD)Nos.6015 and
6016 of 2017

17.10.2019

VB(05.11.2019) 2P 5C