



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.8936 of 2017

and

CRL.M.P(MD)Nos.6051 and 6052 of 2017

1.P.Maharajan
2.P.Ponrajamani
3.P.Selvamani

...Petitioners/Accused No. 1 to 3

Vs.

Manjana Devi

...Respondent/Defacto
complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in D.V.A.No.11 of 2017, on the file of the Judicial Magistrate No.1, Kovilpatti, Tuticorin District and quash the same.

For Petitioners : Mr.G.Karuppasamy Pandian
For Respondent : Ms.M.Maria Vinola

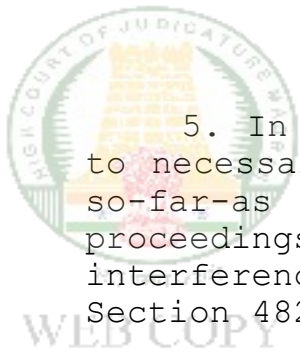
ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.A No.11 of 2017 initiated by the respondent under the Domestic Violence Act.

2. The first Petitioner is the husband and second and third Petitioners are in laws of the respondent.

3. It is seen from the records that the petitioners 2 and 3 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 and 3. The respondent has not made any specific allegations against the petitioners 2 and 3 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 and 3 have been roped in a domestic violence petition.

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 and 3 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.A.No.11 of 2017, on the file of the learned Judicial Magistrate No.I, Kovilpatti, Tuticorin District is quashed insofar as the petitioners 2 and 3 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 No.I, Kovilpatti, Tuticorin District to dispose of the proceedings in D.V.A No.11 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 petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

The Judicial Magistrate No.I,
Kovilpatti,
Tuticorin District.

+1 CC to M/s.M.MARIA VINOLA, Advocate(SR-92594[F] dated 17/10/2019)

+1 CC to Mr.G.KARUPPASAMY PANDIYAN, Advocate (SR-92690[F] dated 17/10/2019)

CRL.O.P(MD)No.8936 of 2017
and
CRL.M.P(MD)Nos.6051 and
6052 of 2017

17.10.2019