



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.8949 of 2017

WEB COPY

- 1) Syed
- 2) Rasitha

...Petitioners/
Respondents 2 & 3

Nasrin

vs.

... Respondent/ Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records and quash all further proceedings of the procedure followed by the Judicial Magistrate No.V, Tirunelveli dated 26.02.2013 and to set aside the exparte order against the respondent no.1 in M.C.No.40 of 2012.

For Petitioners : Mr.R.Ramachandran

For Respondent : Mr.M.Subash Babu

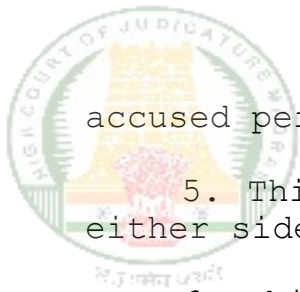
O R D E R

The Criminal Original Petition has been filed seeking to quash the records in M.C.No.40 of 2012, dated 26.02.2013 pending on the file of the learned Judicial Magistrate No.V, Tirunelveli and to set aside the exparte order against the respondent.

2. The respondent had filed an application under Section 12 of Protection of Women from Domestic Violence Act against three respondents, out of which the petitioners herein are respondent Nos.2 & 3 in M.C.No.40 of 2012 on the file of learned Judicial Magistrate No.V, Tirunelveli.

3. The learned counsel for the petitioners herein submitted that the first petitioner is the father-in-law and the second petitioner is the mother-in-law of the respondent. The learned counsel further submitted that the family members have been roped unnecessarily in this case only with a view to harass them and the entire criminal prosecution is being abused.

4. Per contra, the learned counsel appearing for the respondent submitted that the respondent has been continuously harassed by the



accused persons.

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

6. This Court finds that there are certain specific allegations made against the 1st respondent in M.C.No.40 of 2012 on the file of learned Judicial Magistrate No.V, Tirunelveli, who is the son of the petitioners 1 & 2 herein and the father-in-law and mother-in-law of the respondent. They 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 and her husband, the petitioners 1 and 2 have been made as an accused.

7. In view of the above, this Court has to necessarily interfere with the proceedings insofar as the petitioners 1 and 2 are concerned. Continuation of the proceedings against them will amount to an abuse of process of Court.

8. In the result, the proceedings in M.C.No.40 of 2012, dated 26.02.2013 on the file of the learned Judicial Magistrate No.V, Tirunelveli is quashed insofar as petitioners 1 to 2 are concerned and the proceedings can continue insofar as the 1st respondent in M.C.No.40, dated 26.02.2013 on the file of the learned Judicial Magistrate No.V, Tirunelveli is concerned within a period of two(2) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Judicial Magistrate No.V,
Tirunelveli.

Crl.O.P. (MD) .No.8949 of 2017

Dated:

22.11.2019

KK/SAR/06.01.2020/3P-2C/