



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.11.2019
CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.9665 of 2017

and

CRL.M.P(MD)Nos.6609 and 6610 of 2017

P.Loganayagi

... Petitioner / Respondent No.6

Vs.

K.Karpagam

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for records pertaining to the petition filed by the respondent in Cr.M.P.No.2270 of 2017, on the file of the learned Additional Mahila court, Madurai, filed under Sections 18, 19(8), 19(1) (F), 20 (3), 22 of Protection of Women from Domestic Violence Act, 2005, by the respondent and quash the same.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : No Appearance

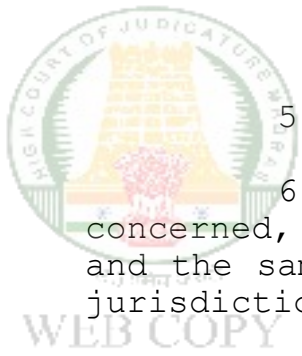
ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Cr.M.P.No.2270 of 2017, on the file of the learned Additional Mahila court, Madurai,.

2. The Petitioner is the sister of the mother-in-law of the respondent.

3. The learned counsel appearing for the petitioner submitted that the petition has been re-numbered as D.V.O.P.No.2 of 2018, before the same Court.

4. It is seen from the records that the petitioner is living separately and the respondent is living 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.



5. Heard the learned counsel for the Petitioner.

6. 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.

7. In the result, the proceedings in D.V.O.P.No.2 of 2018, on the file of the learned Additional Mahila Court, Madurai, is quashed, insofar as the petitioner is concerned. It is left open to the respondent herein to proceed further to prosecute the Domestic Violence Petition as against her husband.

8. This Criminal Original Petition is allowed and there shall be a direction to the Additional Mahila Court, Madurai, to dispose of the proceedings in D.V.O.P.No.2 of 2018, as against the husband of the respondent, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

1. The Additional Mahila Court,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-95837[F] dated 04/11/2019)

CRL.O.P(MD)No.9665 of 2017
01.11.2019

MK (16.12.2019) 2P 4C