

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.11728 of 2013
and M.P.No.1 of 2013

1.R.Anasdoss William
2.A.Alphonse

...Petitioners

Vs

D.Maria Rita Sharmila

...Respondent

Prayer: Crl.O.P., filed under Section 482 of Cr.P.C., praying to call for records in M.P.No.779 of 2013 on the file of XVII Metropolitan Magistrate Court at Saidapet, Chennai, and quash the same.

For Petitioners : Mr.S.Arivazhagan

For respondent : Mr.A.R.Nixon

ORDER

The respondent has filed a complaint before the Protection Officer regarding Domestic Violence against the petitioners and their son. The Protection Officer also filed reports before the learned XVII Metropolitan Magistrate, Saidapet. The Magistrate taken the complaint on file in M.P.No.779 of 2013, wherein, the petitioners have been shown as respondents 2 and 3 and the husband was shown as first respondent. The petitioners are only father in law and mother in law of the respondent and the present criminal original petition is filed seeking to quash the case in M.P.No.779 of 2013 on the file XVII Metropolitan Magistrate Court at Saidapet, Chennai.

2. The learned counsel for the petitioners would submit that the petitioners herein are only father in law and mother in law and there is no allegation against these petitioners. Further, it is stated that the respondent filed O.P., and also filed Maintenance Petition and the said petition was allowed against the husband and therefore, the petitioners herein being the in-laws, this petition is to be allowed and the complaint filed under the provisions of Protection of Women from Domestic

Violence Act pending in M.P.No.779 of 2013 has to be quashed against these petitioners.

3. The learned counsel for the respondent would submit that the respondent filed petition for conjugal rights and the same was allowed. But the husband of the respondent has not taken any effective steps for reunion.

4. On reading of the complaint filed under the provisions of Protection of Women from Domestic Violence Act, in M.P.No.779 of 2013, it is seen that prima facie there are allegations against these petitioners also. Therefore, this court is not inclined to quash the complaint in M.P.No.779 of 2013 on the file of XVII Metropolitan Magistrate Court, Saidapet, Chennai, against these petitioners. However, the petitioners are at liberty to take their defence before the Magistrate in the said Miscellaneous Petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nvsri
To

1.The XVII Metropolitan Magistrate Court at Saidapet,
Chennai.

2.The Section Officer, Criminal Section,
High Court, Madras.

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CrI.O.P.No.11728 of 2013

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