

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.12.2020

PRONOUNCED ON :16.12.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.16371 of 2015

and

M.P.No.1 of 2015

1.K.Veerappan @ K.Senthil

2.K.Amsa

3.Sangari Devi

4.Pushpagandhi

5.Ananth

6.Ramesh

..Petitioners/1 to 6 Respondents

Vs.

Indumathi

... Respondent/Petitioner

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in M.C.No.4 of 2015 on the file of the Judicial Magistrate Court No.III, Puducherry and quash the same.

For Petitioners : Mr.A.Kumaraguru

For Respondent : Mr.P.Veeraraghavan

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O R D E R

This criminal original petition have been filed seeking to call for the records in M.C.No.4 of 2015 on the file of the Judicial Magistrate Court No.III, Puducherry and quash the same.

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2. K.Veerappan @ K.Senthil (R1) got married to Indumathi on 09.04.2014 at Puducherry and their marriage ran into rough weather, resulting in the spouses getting estranged.

3. Indumathi initiated a proceedings in M.C.No.4 of 2015 in the Court of Judicial Magistrate No.III, Puducherry, against K.Veerappan @ K.Senthil (R1), his mother K.Amsa (R2), his sister Sankari Devi (R3), his matrimonial aunt Pushpagandhi (R4), her two sons Ananth (R5) and Ramesh (R6), for various reliefs under the Protection of Women from Domestic Violence Act, 2005, for quashing which, all the respondents in the trial Court have filed the present petition under Section 482 Cr.P.C.

4. Heard Mr.A.Kumaraguru, learned counsel for the petitioners and Mr.P.Veeraraghavan, learned counsel for the respondent.

5. Information called from the trial Court shows that in M.P.No.836 of 2015 in M.C.No.4 of 2015, the trial Court, by order dated 17.02.2016, has directed K.Veerappan (R1) to pay a sum of Rs.10,000/- per month as maintenance to Indumathi. Similarly in M.P.No.837 of 2015 in M.C.No.4 of 2015, the trial Court, by order dated 17.02.2016, has directed K.Veerappan (R1) to provide accommodation to Indumathi. Till date, K.Veerappan (R1) has not complied with those orders. K.Veerappan (R1) has filed appeals in C.A.Nos.10 and 11 of 2016 and the same are pending on the file of the III Additional District Court, Puducherry.

6. A reading of the complaint in M.C.No.4 of 2015 shows that there are sufficient allegations relating to perpetration of domestic violence to Indumathi by K.Veerappan (R1) and K.Amsa (R2). However, it is seen that Sankari Devi (R3) is residing in Cuddalore, Pushpagandhi (R4) is residing in Villupuram and Ananth (R5) and Ramesh (R6) are residing in Kangachettikulam, Puducherry. The allegations against these persons are indeed very vague.

7. In the result, this criminal original petition is partly allowed with the following directions:

- The proceedings in M.C.No.4 of 2015 on the file of the Judicial Magistrate Court No.III, Puducherry, is quashed as against Sankari Devi (R3), Pushpagandhi (R4), Ananth (R5) and Ramesh (R6);
- The proceedings in M.C.No.4 of 2015 on the file of the Judicial Magistrate Court No.III, Puducherry, shall proceed as against K.Veerappan @ K.Senthil (R1) and K.Amsa (R2);

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- The III Additional District Judge, Puducherry, shall dispose of the appeals in C.A.Nos.10 and 11 of 2016 within one month from the date of receipt of a copy of this order.

Connected Crl.M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

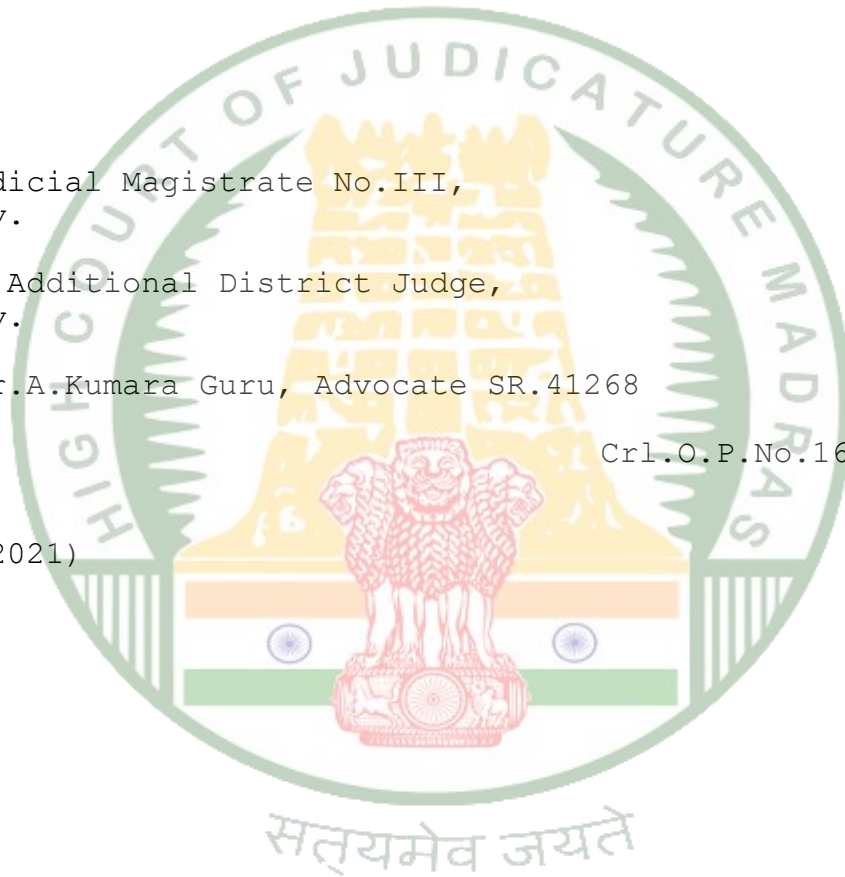
1.The Judicial Magistrate No.III,
Puducherry.

2.The III Additional District Judge,
Puducherry.

+1cc to Mr.A.Kumara Guru, Advocate SR.41268

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