

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.17212 of 2015

and

M.P.No.1 of 2015

L.Sabirabi .. Petitioner/4th Respondent

Vs.

1.Jeenath Begum

2.The Protection Officer
Social Welfare Department
Office of the District Collector
Villupuram

.. Respondents/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the proceedings in M.C.No.1 of 2015 pending on the file of the Judicial Magistrate, Kallakurichi and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.S.Rajendiran
For 1st Respondent : Mr.M.Loganathan
For 2nd Respondent : Mrs.P.Kritika Kamal
Govt. Advocate (Crl. Side)

O R D E R

For the sake of convenience, the parties will be referred to by their names.

2. Jeenath Begum got married to Samsudeen on 20.07.1992 and they were blessed with a son in 2001 and a daughter in 2003. In 2007, Samsudeen went to Dubai on employment, where he met with an accident. On the allegations that Samsudeen and his family members were not providing any maintenance, Jeenath Begum initiated proceedings in M.C.No.1 of 2015 in the Court of the Judicial Magistrate, Kallakurichi for various reliefs under The Protection of Women from Domestic Violence Act, 2005 against Samsudeen and his family members, including his brother's wife Sabirabi, who is the petitioner in this quash petition.

3. Heard Mr.S.Rajendiran, learned counsel for Sabirabi; Mr.M.Loganathan, learned counsel for Jeenath Begum and perused the records.

4. Mr.Loganathan submitted that Sabirabi and other

family members of her husband, perpetrated domestic violence on Jeenath Begum and therefore, the case against her, cannot be quashed.

5. It is seen that Sabirabi got married to one Liyakath Ali in the year 1988 and after marriage, she was living in Chinnasalem separately with her family. Her husband was working in Dubai. After she purchased a property in Kallakurichi, she built a house and has moved in there. Admittedly, she is not living with Jeenath Begum. The allegations against Sabirabi are indeed very vague. In the opinion of this Court, Sabirabi has been unnecessarily roped in by Jeenath Begum in the impugned proceedings.

In the result, this Criminal Original Petition is allowed and the proceedings in M.C.No.1 of 2015 (re-numbered as D.V.C.No.11 of 2016) on the file of the Judicial Magistrate, Kallakurichi, is quashed as against Sabirabi. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate
Kallakurichi.
2. The Chief Judicial Magistrate,
Villupuram.
3. The Protection Officer
Social Welfare Department
Office of the District Collector
Villupuram
- 4.The Public Prosecutor
High Court of Madras.

+1cc to Mr.M.Loganathan, Advocate, S.R.No.39551

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SRA(CO)
GN(21/12/2020)