

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.O.P.No.32502 of 2013
and M.P.Nos.1 & 2 of 2013

T.Kumar @ Kumerasan,
S/o.Late Thiruvenkadam.

... Petitioner

-vs-

R.Akilandeswari,
W/o.T.Rajesh.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to quash the complaint in D.V.C.No.11 of 2013 on the file of the Judicial Magistrate No.I, Namakkal.

For Petitioner : Mr.K.S.Karthik Raja.

O R D E R

The respondent herein filed a private complaint against the petitioner and one another before the Protection Officer, Namakkal, under the Domestic Violence Act. Based on the report of the Protection Officer, the learned Judicial Magistrate No.I, Namakkal, had taken the case on file in D.V.C.No.11 of 2013 and sent summons to the petitioner. After receiving the summons, the petitioner, who was arrayed as 2nd accused in the domestic violence case, has filed the present petition under Section 482 Cr.P.C., to quash the proceedings.

2.The learned counsel for the petitioner would submit that A1 in this case is the husband of the respondent and the petitioner herein, who is arrayed as A2, is only the brother-in-law of the respondent and he is no way connected with the alleged offence. He further submitted that there is no specific allegation as against this petitioner in the complaint. He further submitted that the dispute between the petitioner and the respondent is purely civil in nature and a civil suit has also been filed by the respondent in this regard, which is still pending. Therefore, the complaint in D.V.C.No.11 of 2013 is liable to be quashed.

3.None appeared on behalf of the respondent. Heard the learned counsel for the petitioner and perused the records.

4.On careful reading of the complaint, there are specific allegations as against the husband of the respondent and as against this petitioner, that they have driven the respondent from the matrimonial home and not allowed the respondent and her children to enter into the matrimonial home. Since a prima facie offence is made out as against this petitioner, this Court is not inclined to invoke its power under Section 482 Cr.P.C., to quash the complaint in D.V.C.No.11 of 2013.

5.Accordingly, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to raise all his defence before the trial Court. Connected miscellaneous petitions are closed.

6.Since, the complaint is pending from the year 2013, the learned Judicial Magistrate No.I, Namakkal, is directed to dispose of the case in D.V.C.No.11 of 2013, in accordance with law within a period of one month from the date of receipt of copy of this order.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

rm
To

The Judicial Magistrate No.I,
Namakkal.

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Cr1.O.P.No.32502 of 2013

RSV (CO)
SP(12/03/2020)