

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.22318 of 2014
and M.P.No.1 of 2014

1.Rajaammal
2.T.Mathaiyan
3.R.Uma

..Petitioners

Vs

R.Prema

..Respondent

Prayer: Crl.O.P., filed under Section 482 of Cr.P.C., praying to call for records in D.V.O.P.No.30 of 2013 on the file of learned Additional Mahila (Magisterial Level) Court, Salem and Salem District and quash the same.

For Petitioner : Mr.C.D.Johnson

For Respondents : Mr.B.Jayaseelan

ORDER

The Petitioners 1 to 3 are arrayed as A-2 to A-4 in D.V.O.P.No.30 of 2013 on the file of Additional Mahila Court [Magisterial Level], Salem, and the complaint is pending before the Magistrate. The petitioners have filed this petition seeking to quash the complaint in D.V.O.P.No.30 of 2013 on the file of Additional Mahila Court, Salem, on the ground that the 1st petitioner is mother in law, 2nd petitioner is the brother in law and third petitioner is the sister in law. He would submit that they are only in laws and there is no allegation against these petitioners and in order to take vengeance, the complaint in D.V.O.P., is filed. The dispute is only between the husband and wife and the petitioners herein are not residing in the same roof and in order to only harass them, the complaint is filed in D.V.O.P.No.30 of 2013 and therefore, the same has to be quashed against these petitioners.

2. The learned counsel for the respondent submits that in view of the order of stay granted by this court in this criminal original petition, the investigation could not be proceeded with.

3. A reading of the complaint and the allegations shows that allegations are only against husband. Therefore, the complaint in D.V.O.P.No.30 of 2013 on the file of Additional Mahila Court (Magisterial Level) Salem, against these petitioners is quashed. Since the allegations in the complaint are against husband of the respondent and the said D.V.O.P. is pending from 2013, the learned Magistrate is directed to proceed with the case against the first respondent and dispose of the same on merits, within three months from the date of receipt of a copy of this order.

4. This Criminal Original Petition is allowed with the above direction. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

nvsri
To

1.The Additional Mahila (Magisterial Level) Court, Salem,
Salem District.

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

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Cr1.O.P.No.22318 of 2014

sj(co)
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