

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.22517 of 2014 and
M.P.No.1 of 2014

1. B.K.Balamurugan
2. Kuppusamy
3. Mallika
4. Ramu @ Ramayee
5. Ganesan

... Petitioners/Respondent

Vs.

N.Thilagavathi ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the complaint in D.V.O.P.No.121 of 2013 on the file of the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Salem, and quash the same by allowing this criminal original petition.

For Petitioners: Mr.N.Manokaran
For Respondent : Mr.B.Ullasavelan

ORDER

The respondent herein has filed a case against these petitioners before the learned Judicial Magistrate, Additional Mahila Court, Salem, in D.V.O.P.No.121 of 2013, in which the petitioners were shown as respondents 1 to 5. After receipt of summons, the petitioners have filed this petition seeking to quash the case against them.

2 The learned counsel appearing for the petitioners would submit that there is no specific allegations as against the petitioners 2 to 5, who are only in-laws of the respondent. All the allegations made by the respondent is only against her husband i.e. 1st petitioner. The petitioners 2 to 5 no way connected with the case. The husband is now facing trial. Hence the case against the petitioners 2 to 5 may be quashed.

3 The learned counsel appearing for the respondent fairly accepted that in the complaint filed by the respondent, there is no allegations as against the petitioners 2 to 5 and there is no mention about these petitioners in the complaint.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 It is admitted by both the parties that in the complaint filed by the respondent, there is no allegations against the petitioners 2 to 5. This Court has carefully perused the petition filed by respondent, in which, this Court does not find any allegations against the petitioners 2 to 5, who are in-laws and all the allegations are against her husband i.e 1st petitioner only. Hence, this Court has no hesitation to quash the case against the petitioners 2 to 5.

6 Accordingly, this criminal original petition is allowed in part and the case in D.V.O.P.No.121 of 2013 on the file of the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Salem, against the petitioners 2 to 5 is hereby quashed. However, since the above case is pending from the year 2013, the learned Magistrate is directed to proceed with the case against the first petitioner/husband and dispose of the above case within a period of three months from the date of receipt of a copy of this order. Consequently connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

The Judicial Magistrate,
Additional Mahila Court (Magisterial Level),
Salem.
+1 CC to Mr.N.Manokaran, Advocate sr 9677

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NMI (CO)
SP(20/03/2020)