

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.O.P.No.32720 of 2014
and M.P.Nos.1 & 2 of 2014

1.Anuja,
2.Mahadoon.

...Petitioners

-Vs-

1.Shabna Asmi,
2.Minor Mohammed Dayan,
rep. by his natural guardian
mother Shabna Azmi.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in D.V.A.No.56 of 2014, on the file of the Judicial Magistrate No.VII, Coimbatore and quash the same.

For Petitioners : Mr.C.Veeraraghavan

For Respondents : Mr.I.Abrar Md.Abdullah

O R D E R

This petition has been filed to quash the proceedings in D.V.A.No.56 of 2014, on the file of learned Judicial Magistrate No.VII, Coimbatore.

2.When the matter is taken up for hearing, both the counsel for the parties stated that subsequently, the case was transferred to the Special Court at Coimbatore, constituted for the trial of the Domestic Violence cases.

3.The learned counsel for the petitioners would submit that they are only relatives of the respondents and they are in no way connected with the offence. Therefore, the proceedings in D.V.A.No.56 of 2014 is liable to be quashed.

4. On reading of the entire materials in record, prima facie, there are allegations as against these petitioners also. Whether the petitioners are involved in the offence or not is the matter to be decided after the trial. The innocence of the petitioners are to be proved before the trial Court and not before this Court, at this stage. Therefore, this Court is not inclined to quash the proceedings against these petitioners in D.V.C.No.56 of 2014.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed.

6. Since, the matter is pending from the year 2014 onwards, the learned Judicial Magistrate, Special Court for Domestic Violence cases, Coimbatore, is directed to dispose of the case in D.V.A.No.56 of 2014, within a period of three months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm

To

The Judicial Magistrate No VII
Coimbatore

+1 cc to Mr.C.Veeraraghavan, Advocate, S.R.No.14401

+1 cc to Mr.I.Abrar Md Abdullah, Advocate, S.R.No.14302

Cr1.O.P.No.32720 of 2014

SS(CO)
RN(20/05/2020)

WEB COPY