

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.25264 of 2014
and M.P.No.1 of 2014

C.Nagaraj,
S/o.Cendrayan.

...Petitioner

-Vs-

Rukmani.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in M.C.No.1 of 2013 on the file of the learned Judicial Magistrate Court II, Krishnagiri and quash the same in respect of this petitioner.

For Petitioner : Mr.S.R.Varun Karthik

For Respondent : No appearance.

O R D E R

The respondent has filed a case against the petitioner and two others in M.C.No.1 of 2013 on the file of the learned Judicial Magistrate No.II, Krishnagiri, for the offence under Section 12 of the Protection of Women from Domestic Violence Act. The petitioner has been arrayed as second accused in this case. After receiving summons, the second accused has filed the present petition seeking to quash the proceedings in M.C.No.1 of 2013.

2.The learned counsel for the petitioner would submit that the petitioner is the brother of A1. A1 is the husband of the respondent. There is no allegation as against this petitioner. He further submitted that the petitioner is not having any shared household rights and he is living separately and he is no way connected with the alleged offence. More so, there is no allegation against this petitioner. Therefore, the case in M.C.No.1 of 2013 is liable to be quashed.

3.None appears on behalf of the respondent. Heard the learned counsel for the petitioner and perused the materials on

record.

4.On a perusal of the complaint in M.C.No.1 of 2013, pending on the file of the learned Judicial Magistrate No.II, Krishnagiri, it reveals that there is no specific allegation as against this petitioner except that the petitioner is shown as one of the accused.

5.Considering the facts and circumstances of the case and also that there is no specific allegation as against this petitioner, this Court is inclined to quash the complaint in M.C.No.1 of 2013, insofar as this petitioner is concerned.

6.Accordingly, this Criminal Original Petition is allowed. Connected miscellaneous petition is closed.

7.Since the matter is pending from the year 2013, the learned Judicial Magistrate No.II, Krishnagiri, is directed to proceed further and dispose of the case in accordance with law 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 Court II
Krishnagiri.

+lcc to Mr.C.Jagadish, Advocate sr 11540

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BS (CO)
GS (21/05/2020)