

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Criminal Original Petition No.29362 of 2014
and
M.P.Nos.1 & 2 of 2014

1.Kaliyan,
2.Kolanji,
3.Tamilselvi,
4.Arun.

... Petitioners

-vs-

1.Kayalvizhi @ Karthikavarshini,

2.Senthilkumar @ Senthilraj.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in M.C.No.13 of 2014 on the file of the District Munsif cum Magistrate, Neyveli and quash the same.

For Petitioners : Mr.R.Rajarajan

For Respondents : No appearance

O R D E R

The first respondent herein filed a complaint against the petitioners herein and her husband viz., Senthilkumar under Section 12 of the Protection of Women from Domestic Violence Act, before the learned District Munsif cum Judicial Magistrate, Neyveli. The learned Magistrate took the complaint on file in M.C.No.13 of 2014. During the pendency of the complaint, the petitioners have filed the present petition to quash the complaint in M.C.No.13 of 2014.

2.The learned counsel for the petitioners would submit that these petitioners are only in-laws and they were not residing with the respondents and they were living separately. He submitted that there is no allegation as against these petitioners for domestic violence. He further submitted that a matrimonial dispute is also pending between the parties. Therefore, the petitioners have nothing to do with the complaint. Therefore, the complaint against the petitioners in M.C.No.13 of 2014 is liable to be quashed.

3. None appeared on behalf of the respondents. Heard the learned counsel for the petitioners and perused the records.

4. Admittedly, the marriage between the 1st respondent and Senthilkumar was an arranged marriage. The relationship between the petitioners and the respondents are not disputed. On a perusal of the complaint, it reveals that after their marriage, the 1st respondent lived with her husband and in-laws in the 1st petitioner's home. Since the 1st respondent's husband has not got any job, the petitioners teased and tortured her and also driven her from the matrimonial home. Prima facie there are allegations against these petitioners. Under such circumstances, this Court is not inclined to quash the complaint in M.C.No.13 of 2014.

5. Accordingly, this Criminal Original Petition is dismissed. However, the petitioners are at liberty to raise all their defense before the trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm

To

The District Munsif -cum-
Judicial Magistrate
Neyveli.

+1cc to Mr.R.Raja Rajan, Advocate, S.R.No.13418

Crl.O.P. No.29362 of 2014

GMR(CO)
Maya (29/05/2020)