

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.3892 of 2017
and Crl.M.P.No.2890 of 2017

Vanangamudi
S/o.Muthukumarasamy

... Petitioner

..Vs..

Shanthi
W/o.Pandian

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the private complaint filed by the respondent in DVC No.04 of 2017, pending on the file of the Judicial Magistrate, Jayankondam and quash the same as against the petitioner.

For Petitioner : Mr.S.Sathish Rajan
For Respondent : Mr.Venkatesulu

O R D E R

This petition has been filed to quash the proceedings in D.V.C.No.4 of 2017, pending on the file of the Judicial Magistrate, Jayankondam.

2. The learned counsel for the petitioner submitted that the petitioner, who is a leading Advocate in Trichy, had not shared any household along with the respondent/complainant to get attracted in the Domestic Violence Case. He further submitted that the petitioner has been falsely implicated in the said case. The relief sought for in the Domestic Violence Case is right to reside at Udayarpalayam property in the portion, where she is presently residing and also not to disturb her from ploughing one acre of the land in the family property of her husband. The learned counsel for the petitioner further submitted that the petitioner has no objection for the respondent to reside in the said portion, where she is presently residing and she can also continue to plough and use the land,

till the disposal of the Domestic Violence Case or any family partition, taking place amicably between them.

3. The learned counsel for the respondent submitted that the petitioner's father Muthukumarasamy had four children viz., the petitioner, respondent's estranged husband Pandian, Anbumozhi and Araselvi. They have got vast track of land in Udayarpalayam and surrounding areas and also a rice mill. They are making earnings out of these properties, which have not been given to the respondent. He further submitted that the respondent and her husband Pandian were living together for the past 30 years and they have begotten two children. Due to some dispute the respondent and her husband got separated, thereafter, the respondent and her children were not taken care by her husband. The petitioner, being the elder in the family had not taken any steps to resolve the dispute between the respondent and her husband. On the other hand he had supported his brother, who developed illicit relationship with another lady and living separately. The respondent and her children had to surmise at their interest are to be safeguarded and hence, she has filed the Domestic Violence Case.

4. Considering the above submissions, it is seen that the respondent and her husband Pandian got separated 30 years after their marriage. The respondent is residing in a portion of the family property in Udayarpalayam, Ariyalur District, which is not in dispute. The respondent and her children were deserted by the said Pandian, for which, the petitioner cannot be the reason. Further, the relief sought for in the Domestic Violence Case is against respondent's estranged husband. As far as this petitioner is concerned, he will not disturb the respondent and her children residing in the portion of family property where they are presently residing as well as the portion of family property land, which they are ploughing and making their livelihood till the disposal of Domestic Violence Case or till any other arrangements are made between them.

5. With the above observation, this Court is inclined to quash the proceedings as against the petitioner Vanangamudi, alone. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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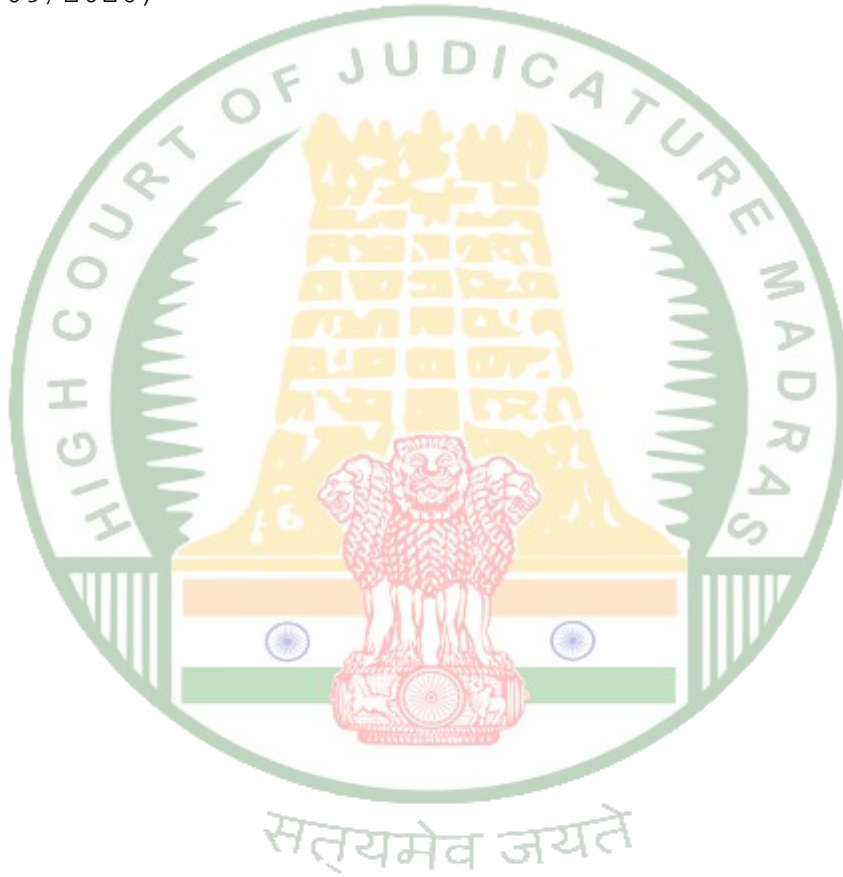
Sub Assistant Registrar

To

The Judicial Magistrate,
Jayankondam.

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and Crl.M.P.No.2890 of 2017

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