

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.29592 of 2019

and

Crl.M.P.Nos.15994 & 15995 of 2019

1.A.Muthukumarasamy

2.Uma @ Umabagyalakshmi

...Petitioners

-Vs-

P.Poornima

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the complaint in connection with DVC.No.23 of 2019 before the Judicial Magistrate, Gudiyatham, Vellore District and quash the same.

For Petitioner : Mr.V.T.Balaji

For Respondent : Mr.N.Manokaran

ORDER

This petition has been filed by the respondents 4 and 5 in DVC.No.23 of 2019 to quash the proceedings against them in D.V.C.No.23 of 2019 on the file of the Judicial Magistrate, Gudiyatham, Vellore District.

2. The learned counsel for the petitioners has submitted that the first petitioner is the friend of the respondent's husband and the second petitioner is the wife of the first petitioner and they have not lived with the respondent in a shared house hold at any point of time and hence, the provisions of Domestic Violence Act will not attract.

3. Per contra, the learned counsel for the respondent has submitted that the first petitioner is having homosexual relationship with the respondent's husband and the second petitioner is also abetting the same. He further submitted that the petitioners are spoiling the marital life of the respondent and hence the provisions of Domestic Violence Act would get attracts and therefore, he prayed to dismiss the petition.

4. Admittedly, the petitioners herein are not family members of the respondent's husband. Further, at no point of time, the petitioners have lived with the respondent with domestic relationship in a shared house hold and therefore, the provisions of Domestic Violence Act will not attract.

5. For the aforesaid reasons, this petition is allowed. The proceedings against the petitioners herein in D.V.C.No.23 of 2019 on the file of the Judicial Magistrate, Gudiyatham is alone quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Judicial Magistrate, Gudiyatham,
Vellore District.

2.The Chief Judicial Magistrate,
Vellore.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Manokaran, Advocate, S.R.No. 5829

+1cc to Mr.V.T.Balaji, Advocate, S.R.No. 6107

+1cc to Mr.V.T.Balaji, Advocate, S.R.No. 6107(25/02/2020)

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and
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15995 of 2019

SVI (CO)
GN(19/02/2020)