



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.3958 of 2020

and

Crl.M.P. (MD)No.2186 of 2020

WEB COPY

J.Padma Priyanga

... Petitioner/6th Respondent

Vs.

Kavitha

... Respondent/Petitioner

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the impugned proceedings bearing D.V.O.P.No.1 of 2019 on the file of the learned Additional Mahila Court, Nagercoil, Kanyakumari District and quash the same as illegal and devoid of merits.

For Petitioner : Mr.C.Prithiviraj
For Respondent : Ms.L.Vinctoria Gowri

O R D E R

This criminal original petition has been filed for quashing the proceedings in D.V.O.P.No.1 of 2019 on the file of the learned Additional Mahila Court, Nagercoil, Kanyakumari District.

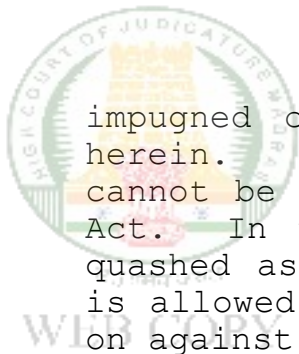
2.The respondent is the complainant. She filed the said petition under Section 12 of Protection of Women from Domestic Violence Act. The petitioner is figuring as sixth respondent in the said proceeding. Even according to the respondent herein, the petitioner is having illicit intimacy with one Pradeesh who is the husband of Kavitha.

3.The petitioner's counsel would point out that even if all the allegations are assumed to be true, still the petitioner cannot fall within the definition of the term "respondent" occurring in Section 2(q) of the Act.

4.Section 2(q) of the Act reads as follows:-

""respondent" means any person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved persons has sought any relief under this Act.""

5.Going by the averment set out in the impugned petition, the petitioner/Padma Priyanga cannot be said to have been in domestic relationship with Kavitha at any point of time. Therefore, the



impugned complaint is not maintainable as against the petitioner herein. As rightly contended by the petitioner's counsel, she cannot be termed as the respondent in terms of Section 2(q) of the Act. In this view of the matter, the impugned proceedings stand quashed as regards the petitioner. The criminal original petition is allowed. It is made clear that the impugned proceedings will go on against the remaining persons and the learned Trial Magistrate is directed to conclude the proceedings on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ias

To:

The Additional Mahila Court,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.L.VICTORIA GOWRI, Advocate (SR-12216[F] dated 18/03/2020)

+1 CC to Mr.C.PRITHVIRAJ, Advocate (SR-12346[F] dated 18/03/2020)

**Cr1.O.P(MD)No.3958 of 2020
17.03.2020**

VB(05.06.2020) 2P 4C