



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.5544 of 2018

and

Crl.M.P. (MD)Nos.2666 and 2667 of 2018

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1.Vaijayanthimala
2.Selvakumar

... Petitioners

-vs-

Sumathi

... Respondent

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the criminal case proceedings in D.V.C.No.4 of 2018 pending on the file of the learned District Munsif cum Judicial Magistrate, Thiruppathur and quash the same as far as these petitioners are concerned.

For Petitioner : Mr.A.Jayaramachandran

For Respondent : No appearance

O R D E R

This Criminal Original Petition has been filed for quashing the impugned proceedings in D.V.C.No.4 of 2018 on the file of the learned Judicial Magistrate, Thiruppathur.

2.The complainant is the sister-in-law of the first petitioner herein. The marriage between the first petitioner's brother and the complainant herein took place on 24.06.2010 at Srivilliputhur. The first petitioner was married to the second petitioner even before the marriage of the complainant herein. The petitioners herein were always residing at Virudhunagar. On the other hand, the matrimonial home of the complainant was at Srivilliputhur. In as much as the petitioners were never part of the shared household, the impugned complaint against them is clearly not maintainable.

3.Though the respondent has been served and her name is printed in the cause list, there is no appearance or representation on her behalf.

4.Since this Court is of the view that the impugned complaint is not maintainable, the continuance of the same would amount to abuse of legal process.

5.Accordingly, the proceedings in D.V.C.No.4 of 2018 on the file of the learned Judicial Magistrate, Thiruppathur stand quashed
<https://hcservices.ecourts.gov.in/hcservices/>



as far as the petitioners are concerned and this Criminal Original Petition stands allowed. It is made clear that the impugned proceedings will go on against the other accused persons. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The District Munsif cum Judicial Magistrate, Thiruppathur.

2.Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.A.JEYARAMACHANDRAN, Advocate (SR-11133[F] dated
11/03/2020)

Crl.O.P. (MD) No.5544 of 2018
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VB(20.03.2020) 2P 4C