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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.10316 of 2016

and

Crl.M.P. (MD)Nos.5121 and 5122 of 2016

1.Selvi
2.Rani
3.Rajathi

... Petitioners/Respondents 4 to 6

-vs-

Padma Sri

... Respondent/Petitioner

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the proceedings in M.C.No.12 of 2015 pending on the file of the learned Judicial Magistrate, Thirupputhur, Sivagangai District and quash the same.

For Petitioners : Mr.A.K.Manickam

For Respondent : Mr.T.Venkatesh

O R D E R

The petitioners herein are shown as respondents 4 to 6 in M.C.No.12 of 2015 on the file of the Judicial Magistrate, Thirupputhur, Sivagangai District. The same was instituted by the respondent herein. The respondent got married to one Mani on 21.06.2010. The said Mani is the brother of the petitioners herein.

2.The learned counsel for the petitioners would point out that even before the marriage between the respondent and the said Mani, all the three petitioners herein were already married. They are having their independent matrimonial homes. At no point of time, the petitioners were part of the shared household of the respondent. Therefore, the respondent could not have filed any petition under the provisions of Protection of Women from Domestic Violence Act, 2005.

3.M.C.No.12 of 2015 was not maintainable as against the petitioners herein. Ofcourse, it is maintainable and it will continue as against the husband of the respondent as well as the father-in-law and mother-in-law. The impugned M.C.No.12 of 2015 is quashed only as regards the petitioners herein who are shown as Respondents 4 to 6 in M.C.No.12 of 2015.



4. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (w)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pnn

To

The Judicial Magistrate, Thirupputhur, Sivagangai District.

+1 CC to Mr.T.VENKATESH, Advocate (SR-3544[F] dated 29/01/2020)

+1 CC to Mr.A.K.MANICKAN, Advocate (SR-3485[F] dated 28/01/2020)

CrI.O.P. (MD) No.10316 of 2016

and

CrI.M.P. (MD) Nos.5121 and 5122 of 2016

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