



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.10457 of 2016

and

Crl.M.P. (MD)Nos.5180 and 5181 of 2016

WEB COPY

1.Vasanthi

2.Thankarathi

... Petitioners/Respondents 2&3

Vs.

Vijaya Lakshmi

... Respondent/Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in D.V.P.No.6 of 2016 on the file of Judicial Magistrate Court, Aruppukottai and quash the same.

For Petitioners : Mr.K.P.Narayanakumar

O R D E R

This petition has been filed for quashing the proceedings in D.V.O.P.No.6 of 2016 filed by the respondent/Vijaya Lakshmi on the file of Judicial Magistrate, Aruppukottai under Section 12 of Protection of Women from Domestic Violence Act, 2005.

2.The respondent herein got married to Prabhudhas son of the first petitioner herein on 06.03.2011. The matrimonial home was situated at Kanja Nayakkan Patti. In the said D.V.O.P., the husband/Prabhudass of the respondent herein is figuring as the first respondent. The petitioners herein are figuring as second and third respondents in the said D.V.O.P.No.6 of 2016. To quash the same, the petitioners herein have filed this criminal original petition.

3.It is seen that the first petitioner is the mother-in-law of the respondent herein. The second petitioner is the sister-in-law of the respondent. It is further seen that the second petitioner herein got married to one Senthilkumar long before the marriage between the respondent and Prabhudhas took place and she has been having a separate matrimonial home. The second petitioner was not part of the shared household at any point of time. Therefore, the impugned proceedings are clearly not maintainable against the second petitioner.

4.In this view of the matter, the impugned proceedings stand quashed. The criminal original petition is allowed as regards the same.



the second petitioner and dismissed as regards the first petitioner. It will of course proceed and go on against the first petitioner and Prabhudhas, the husband of the respondent. The first petitioner is a woman and she is an aged lady. Therefore, her personal appearance before the Court below is dispensed with. However, the first petitioner has to appear on all those occasions when her presence is necessary and imperative.

5.This Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

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/ /2020

Sub Assistant Registrar (CS)

Ias

To
The Judicial Magistrate, Aruppukottai

+1 CC to MR.K.P.NARAYANAKUMAR, Advocate (SR-4046[F] dated 31/01/2020)

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KM/(13.02.2020) 2P 3C