



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.11181 of 2016

and

Crl.M.P. (MD)Nos. 5468 and 5469 of 2016

1.Mariappan
2.Ramasubbu
3.Andal

... Petitioners/Respondents

-vs-

1.Maheswari
2.Shakthi Subhalika

... Respondents/Complainants

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the complaint bearing D.V.A. M.C.No.1 of 2016 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli and quash the same.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.C.Vakeeswaran

O R D E R

This Criminal Original Petition has been filed to quash the impugned proceedings instituted by the respondents under the provisions of the Prevention of Women from Domestic Violence Act, 2005.

2.Heard the learned counsel on either side.

3.It is not in dispute that the first petitioner got married to the first respondent way back in the year 1999. It appears that the marital relationship between the parties came under severe strain. The first petitioner has also levelled serious allegations of adultery and also filed a Divorce Petition against the first respondent in the year 2010. The impugned proceedings were admittedly instituted only thereafter.

4.I am of the view that the contest of the complainant should only be with the first petitioner herein who is her husband. Involving the parents-in-law appears to be, on the very face of it,



unjustified and unwarranted. I cannot lose sight of the fact that the impugned complaint was instituted only in 2011, that is, almost 12 years after the marriage was solemnized between the parties. It is almost one year after the H.M.O.P.No.116 of 2010 was filed by the first petitioner.

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5.The impugned proceedings stand quashed as far as the petitioners 2 and 3 are concerned. Of course, it will proceed against the first petitioner. It is made clear that the first petitioner will have to contest the case on merits and the benefit of this order will not enure to him.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Chief Judicial Magistrate, Tiruchirappalli.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-3693[F] dated 29/01/2020)

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-3505[F] dated 28/01/2020)

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JMN(13.02.2020) 2P : 4C