



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.12441 of 2016 and

Crl.M.P.(MD)Nos.5878 & 5879 of 2016

WEB COPY

1. Solaiappan
2. Anandhammal
3. Velmurugan

... Petitioners/Respondents 2 to 4

Vs.

1. Mariyammal
2. Minor.Soban Munees

(Rep. By natural guardian R-1) ... Respondents/Complainants

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, praying to call for the records pertaining to M.C.No.29 of 2015 pending on the file of the learned Judicial Magistrate, Aruppukottai and quash the proceedings as against the petitioners herein.

For Petitioners : Mr.B.Anandan

For Respondents : No appearance.

O R D E R

This criminal original petition has been filed for quashing the impugned proceedings in M.C.No.29 of 2015 on the file of the Judicial Magistrate, Aruppukkottai.

2. Though the respondents have been served and they have entered appearance through counsel, there is no appearance on their behalf today.

3. It is seen that the first respondent herein got married to one Kani on 29.11.2009 and a child was also born in the year 2011. The marital relationship between the parties had come under strain thereafter. The respondents filed a petition under Section 12 of the Protection of Women from Domestic Violence Act 2005. In the said proceedings, the husband of the first respondent was shown as the first respondent. The petitioners herein are figuring as respondents 2 to 4. Petitioners 1 and 2 are the parents-in-law. The third petitioner is the brother-in-law.

4. Since the petitioners were also part of shared household, the respondents were justified in including the petitioners also as respondents in the impugned proceedings. But then, it is seen that the third petitioner herein was only the brother-in-law. He was not



married at the relevant time. The allegations made against the third petitioner herein are rather general in nature.

5. I am of the view that continuance of the impugned prosecution is not necessary or warranted as far as the third petitioner is concerned. Therefore the impugned prosecution stands quashed as far as the third petitioner is concerned. The impugned proceedings will go on against petitioners 1 and 2 herein. This criminal original petition stands partly allowed. However, the personal appearance of petitioners 1 and 2 before the Court below is dispensed with. Their contentions are left open.

6. The learned trial Magistrate shall insist on the personal appearance of petitioners 1 and 2 only when it is absolutely necessary and imperative. Petitioners 1 and 2 shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, petitioners 1 and 2 can be represented through their counsel. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

The Judicial Magistrate, Aruppukottai.

+1 CC to M/s.B.ANANDAN, Advocate (SR-4919[F] dated 06/02/2020)

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