



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.12637 of 2016

and

Crl MP(MD)Nos.5940 & 5941 of 2016

1.P.Saravanarajan

2.P.Sornavadiivu

3.P.Kasiraja

4.Shenbagavadiivu

5.Venkatesan

6.Devi

7.Tirunavukarasu

8.Raji @ Rajeswari

9.Chinnadurai

... Petitioners / Respondents

Vs.

Devakumari

... Respondent / Petitioner

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in proceedings in DVP No.9 of 2016 on the file of the Judicial Magistrate, Bodinayakkanur, Theni and quash the same against the petitioners herein.

For Petitioners	: Mr.V.S.Kumaraguru
	for M/s. Vijay Anand Associates
For Respondent	: Mr.K.K.Kannan

ORDER

The petitioners herein want this Court to quash the impugned proceedings in DVP No.9 of 2016 on the file of the Judicial Magistrate, Bodinayakkanur, Theni. The respondent herein got married to the first petitioner way back on 24.08.2007. The marital relationship between them came under strain. As rightly pointed out by the learned counsel appearing for the petitioners, the petition was filed only in the year 2016 after a gap of nine years from the date of marriage.

2.I am of the view that the first two petitioners herein will have to necessarily face the proceedings before the court below.



The first petitioner is the husband of the respondent while the second petitioner is the mother in law. The petitioners 3 to 9 are in-laws. The third petitioner is the brother of the first petitioner. Fourth petitioner is the wife of the third petitioner. Fifth petitioner is the uncle. Sixth petitioner is the wife of the fifth petitioner. The seventh petitioner is the another uncle. The petitioners 8 and 9 are also relatives. Impleading the petitioners 3 to 9 as respondents in the DVP proceedings is not at all warranted. It is well settled that proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 will lie against those who are part of the shared household. Continuation of the impugned proceedings against the petitioners 3 to 9 is unwarranted.

3. Therefore, the impugned proceedings stand quashed as against the petitioners 3 to 9. It is made clear that the proceedings will go on against the petitioners 1 and 2. It is made clear that the observations made in this order are made only for the purpose of granting relief to the petitioners 3 to 9. The petition was filed way back in the year 2016. More than three and half years have gone by. The trial in this case could not proceed on account of the pendency of this criminal original petition. Therefore, the learned Judicial Magistrate, Bodinayakkanur is directed to conclude the trial on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

4. This criminal original petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Cr1 Side)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Skm

To

The Judicial Magistrate, Bodinayakkanur, Theni

+1 CC to M/s.K.K.KANNAN, Advocate (SR-3800[F] dated 29/01/2020)

+1 CC to M/s.V.S.KUMARAGURU, Advocate (SR-3962[F] dated 30/01/2020)

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