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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.01.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.18266 of 2016 and
CRL.M.P.(MD)No.9098 of 2016

S.Rajkamal

... Petitioner/Respondent No.3

Vs.

S.Megala

... Respondent/Petitioner

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to M.C.No.154 of 2015 on the file of the Additional Mahila Court, Tiruchirappalli and quash the same as illegal as against the petitioner.

For Petitioners : Mr.K.Seemaraj

O R D E R

The petitioner has filed this criminal original petition for quashing the proceedings in M.C.No.154 of 2015 on the file of the Additional Mahila Court, Thiruchirappalli.

2. The said proceedings were instituted by the respondent herein under the various provisions of the Protection of Women from Domestic Violence Act 2005. The respondent was married to one Ranjith on 08.06.2011. Even according to the respondent, the matrimonial home was at Adayar, Chennai. The husband of the respondent passed away in the year 2015. The petitioner herein is the brother-in-law of the respondent's husband. At no point of time the petitioner herein was part of shared household.

3. It has been held that the petition as per the provisions of the Protection of Women from Domestic Violence Act cannot be maintained against those who were never part of shared household. Therefore, the impugned proceedings is not maintainable against the petitioner.

4. In this view of the matter, the impugned proceedings stand quashed as far as the petitioner is concerned. It will go on against the other persons who are shown as respondents in M.C.No.154 of 2015.



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Crl.O.P.(MD)No.18266 of 2016 and

5. The criminal original petition stands allowed.
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

pmu

To:

The Judge,
Additional Mahila Court, Tiruchirappalli.

+1 CC to MR.K.SEEMARAJ, Advocate (SR-2715[F] dated 23/01/2020)

Crl.O.P.(MD)No.18266 of 2016

23.01.2020

_KM (10.06.2020) 2P 3C