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CRL.O.P.(MD)NO. 20443 OF 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P.(MD)No.20443 of 2016 and

CRL.M.P.(MD)Nos.10369 & 10370 of 2016

1. Dhanammal
2. Chellamani

... Petitioners/Accused Nos.1 and 2

Vs.

R.Sugna

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in D.V.P.No.32 of 2016 on the file of the learned Judicial Magistrate No.1, Karur and quash the same.

For Petitioners : Mr.M.Bindran

For Respondents : Mr.I.Velpradeep

O R D E R

This criminal original petition has been filed to quash D.V.P.No.32 of 2016 on the file of the Judicial Magistrate No.I, Karur.

2. The said petition was filed by the respondent herein under Section 12 of the Protection of Women from Domestic Violence Act 2005. The first petitioner is the mother-in-law of the respondent. The second petitioner is her sister-in-law. The husband of the respondent is the son of the first petitioner who died way back in the year 2010 itself. This impugned petition was filed six years after the demise of the husband of the respondent.

3. The petitioners' counsel would point out that the respondent filed a partition suit in O.S.No.401 of 2010 before the Principal Sub Court, Karur and the same was also decreed in her favour and in the appeal filed by the petitioners, there is only a modification of the share allotted to the respective parties.



4. I am satisfied that the very institution of the impugned proceedings against the petitioners is an abuse of legal process. Atleast for six long years prior to the filing of the impugned petition, the petitioners were not part of the shared household. Therefore, the impugned proceedings stand quashed. The criminal original petition stands allowed, accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate No.1, Karur.
 2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.M.BINDRAN, Advocate (SR-2705[F] dated 23/01/2020)

Crl.O.P.(MD)No.20443 of 2016

22.01.2020

KG(CO)

TR(06.03.2020)2P 4C