



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.6270 of 2016

and

Crl.M.P.(MD)No.3117 of 2016

1.A.Krishnamoorthi
2.A.Subramanian
3.A.Boominathan
4.Pitchaiparumal
5.B.Mahalakshmi
6.Rajendran

... Petitioners / Petitioners

-vs-

Revathi

... Respondent / Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the entire records in M.C.No.140 of 2015 on the file of the Additional Mahila Court (Judicial Magistrate Level) Trichy and quash the same as illegal as against the petitioners.

For Petitioners : Mr.P.Ganapathi Subramanian

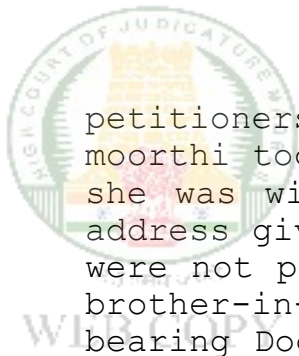
For Respondent : Mr.A.Hajamohideen

O R D E R

This Criminal Original Petition has been filed for quashing the proceedings in M.C.No.140 of 2015 filed by the respondent herein under Section 12 of the Protection of Women from Domestic Violence Act, 2015 before the Additional Mahila Court (J.M. Level), Trichy. The respondent had totally arrayed as many as nine persons in the petition as respondents. The husband of the respondent herein was shown as the first respondent. Her parents-in-law were shown as R2 and R3 impugned M.C.No.140 of 2015. Those three respondents have not filed any petition for quashing the impugned proceedings. The respondents 4 to 9 in the M.C.No.140 of 2015 are before this Court.

2.Heard the learned counsel on either side.

3.It is seen on the face of it that matrimonial home was situated at D.No.35, Harizons Street, Eenjoor Village, Madakudi, Samayapuram, Trichy. The contention of the learned counsel for the



petitioners is that, the marriage between the respondent and Raja moorthi took place on 01.09.2014. Even according to the respondent, she was with her husband for hardly 15 days. A mere look at the address given in the cause title would indicate that the petitioners were not part of the shared household. The first petitioner is the brother-in-law of the respondent. He is residing in the house bearing Door No.35A in the same street. The petitioners 2, 3 and 4 are also brothers-in-law of the respondent. Though they are residing in the same street, they are not occupying same household. The fifth petitioner is the sister in law. She got married even prior to the marriage between the respondent and Rajamoorthy. The sixth petitioner is residing in some other village.

4.The respondent has arrayed all the members of the family in her complaint. Since the petitioners herein are not part of the shared household, I am of the view that the impugned proceedings are not maintainable against the petitioners herein.

5.Accordingly, the impugned proceedings in M.C.No.140 of 2015 Additional Mahila Court (J.M. Level), Trichy, stands quashed as far as the petitioners herein alone. This Criminal Original Petition is allowed. It is made clear that this Court has not gone into the merits of the matter and the husband and parents-in-law of the respondent cannot take advantage of this quashing order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Additional Mahila Court (Judicial Magistrate Level) Trichy.

+1 CC to M/s.PGANAPATHISUBRAMANIAM, Advocate (SR-1239[F] dated 09/01/2020)

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