



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.6591 of 2016 and
CRL.M.P.(MD)Nos.3309 of 2016 & 3184 of 2018

1. A.Fathima
2. Shaul Hameed
3. Mohammed Hussain

... Petitioners/
Respondents 2 to 4

Vs.

1. Abubakkar Sithika
 2. Minor. Mohamed Abdul Wahab,
 3. Minor.Samitha Ibrah
- (Respondents 2 and 3 are rep. by
their mother first respondent)

... Respondents/
Petitioners

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to D.V.No.4 of 2016 on the file of the learned Judicial Magistrate, Thenkasi and quash the proceedings as against the petitioners.

For Petitioner : Mr.A.Sankararamasubramanian,
for Mr.G.Karnan
For Respondents : Mr.H.Arumugam

O R D E R

This criminal original petition has been filed to quash the proceedings in D.V.No.4 of 2016 on the file of the Judicial Magistrate, Thenkasi.

2. The petitioners are the in-laws of the complainant/first respondent herein. The petitioners are aged 57, 52 and 43 respectively. The marriage between Jaffer Shadic and the first respondent herein took place after the petitioners herein had already settled down in their lives. It is seen even from the cause title that the petitioners herein are never part of the shared household. It has been held that the complaint under the Protection of Women from Domestic Violence Act cannot be maintained against those who are not part of shared household.



3. In this view of the matter, the proceedings impugned in this criminal original petition stand quashed as far as the petitioners are concerned. The criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate,
Thenkasi.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-1259[F] dated 10/01/2020)

+1 CC to M/s.A.SANKARARAMA SUBRAMANIAM, Advocate (SR-1240[F] dated 09/01/2020)

Crl.O.P.(MD)No.6591 of 2016
09.01.2020

AP(04/06/2020) 2P 5C