



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.7125 of 2016

and

Crl.M.P. (MD)Nos.3601 and 3602 of 2016

1.S.Sambasivam @ Raja Sthapathy
2.Shanmuga Sundaram
3.S.Palaniammal
4.Geetha
5.Balamurali
6.Babu

... Petitioners/Accused Nos.1 to 6

Vs.

G.Kavitha

... Respondent /petitioner/wife

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of the case in M.C.No.8 of 2014, on the file of Judicial Magistrate Court, Pudukottai and quash the same.

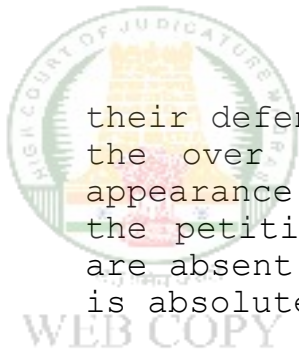
For Petitioners : Mr.S.Udhaya Kumar
For Respondent : Mr.J.Anandkumar

O R D E R

This petition has been filed for quashing the proceedings in M.C.No.8 of 2014, on the file of the learned Judicial Magistrate, Pudukottai. This maintenance case has been filed under Section 12 of Protection of Women from Domestic Violence Act, 2005. The first petitioner was the husband of the respondent. I am consciously using the past tense because it is stated that the first petitioner has obtained an ex-parte decree against the respondent dissolving his marriage. The petitioners 2 and 3 are in-laws.

2.Petitioners 4 to 6 are also in-laws. It is obvious that the petitioners 4 to 6 were never part of the shared household. Therefore, on this sole ground the impugned proceeding will have to be quashed as regards petitioner 4 to 6. They are accordingly quashed. This criminal original petition is allowed as regards petitioners 4 to 6.

3.This criminal original petition is dismissed as regards the petitioners 1 to 3. The petitioners 1 to 3 will have to establish



their defences only before the Court below. However, taking note of the over all facts and circumstances of the case, the personal appearance of the petitioners 2 and 3 is dispensed with. Of course the petitioners have to be represented by their counsel when they are absent. The petitioners also have to appear when their presence is absolutely necessary and imperative.

4.This criminal original petition is partly allowed. The Trial Magistrate will endeavour to conclude the case on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CrI.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To
The Judicial Magistrate,
Pudukkottai.

+1cc to Mr.J.Anandkumar, Advocate, Sr.No.1032

CrI.O.P (MD)No.7125 of 2016
21.01.2020

SMA/26/02/2020/2P/3C