



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.9286 of 2016

and

CRL.M.P.(MD)No.4648 of 2016

R.Subramanian

... Petitioner/1st Respondent

Vs.

Sangeetha

... Respondent/Petitioner

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for records pertaining to the case in M.C.No.32 of 2015, pending on the file of the Additional Mahila Court-Magisterial Level, Madurai and quash the proceedings as against the petitioner herein.

For Petitioner : Mr.S.Ramu

For Respondent : No appearance.

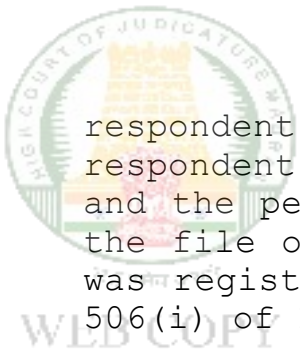
O R D E R

The petitioner is shown as the respondent in M.C. No.32 of 2015 on the file of the Additional Mahila Court-Magisterial Level, Madurai.

2. It was instituted by the respondent herein. The respondent is none other than the daughter-in-law of the petitioner herein.

3. Though the respondent has been served, she has not chosen to enter appearance either in person or through counsel. However, her name is printed in the today's cause list.

4. It is not in dispute that the respondent got married to the petitioner's son Jaganathan on 08.02.2006. A male child was also born. But the marital relationship came under strain and the



respondent returned to her parents' home at Paramakudi. The respondent filed a criminal case against her husband Jaganathan and the petitioner herein and other relatives in the year 2010 on the file of the All Women police station, Paramakudi and the same was registered in Crime No.12 of 2010 under Sections 498(A) and 506(i) of I.P.C.

5. The petitioner's son Jaganathan filed H.M.O.P. No.496 of 2011 seeking dissolution of the marriage and the same was transferred to Madurai at the instance of the respondent herein. The respondent also filed a maintenance case in M.C.No.5 of 2015 before the Additional Chief Judicial Magistrate, Madurai. In this background, the petitioner's son Jaganathan committed suicide on 22.06.2013.

6. The impugned petition under Section 12 of the Protection of Women from Domestic Violence Act came to be filed by the respondent only in the year 2015.

7. Admittedly for several years preceding the institution of the said petition, the petitioner was not part of the shared household. By the time the impugned M.C.No.32 of 2015 was filed, the husband of the respondent had passed away. She also filed a criminal case which had culminated in the final report. The husband filed divorce petition and the same suffered a dismissal for default. The respondent also filed a maintenance case. Therefore, there was absolutely no justification in filing one more petition under Section 12 of the Protection of Women from Domestic Violence Act. The petitioner is now aged about 80 years. The very institution of the impugned proceedings is an abuse of legal process. The respondent had already initiated legal action against the petitioner. She can very well vindicate her rights in those cases. There is no need or necessity to open one more battlefield against the petitioner.

8. The impugned proceedings are quashed. The criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar (CS)



To:

The Additional Mahila Judge-Magisterial Level,
Madurai.

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+1 CC to M/s.S.RAMU, Advocate (SR-2311[F] dated 22/01/2020)

Cr1.O.P.(MD)No.9286 of 2016
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SDS (26.02.2020) 3P-3C