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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.9380 Of 2016 and

CRL.M.P.(MD)No.4697 of 2016

1. Ananth
2. Muthu
3. Shanmugavalli
4. Sarath

... Petitioners/Accused No.1 to 4

Vs.

Puspavalli

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in connection with D.V.Act.No.4 of 2015 on the file of learned District Munisif Cum Judicial Magistrate, Kamuthi and quash the same in respect of the petitioners/accused Nos.1 to 4.

For Petitioners : Mr.S.Muniyandi
For Respondent : No appearance.

O R D E R

The respondent and the first petitioner got married to each other in the year 2012. No children were born through the wedlock. The marital relationship between them came under strain. The respondent filed the impugned petition before the Court below under the provisions of the Protection of Women from Domestic Violence Act. To quash the same, this criminal original petition has been filed.

2. The first petitioner is the husband. Petitioners 2 and 3 are the parents-in-law. Fourth petitioner is the brother-in-law.

3. On carefully going through the petitioner's averments, I am of the view that petitioners 1 to 3 have to face the proceedings on merits. But there is no justification for implicating the fourth petitioner herein/brother-in-law also. He appears to have been implicated as one of the respondents in the impugned proceedings only because he happens to be the brother of the first petitioner herein.

4. In this view of the matter, the impugned proceedings stand ~~quashed~~ ~~as the fourth petitioner is concerned~~. Of course it will go on against petitioners 1 to 3.



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CRL OP(MD) No.9380 of 2016

5. The criminal original petition stands partly allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The District Munisif Cum Judicial Magistrate, Kamuthi.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-5546[F] dated 11/02/2020)

Crl.O.P. (MD) No.9380 of 2016

10.02.2020

SMA/05/06/2020/2P/4C