

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.1244 of 2016
and Crl.M.P.No.565 of 2016

1.Yassar Arafat,
2.Shamshad,
3.Dastagir,
4.Khan,
5.Mohammed Ibrahim khan.

...Petitioners

Vs.

Ayisha G.K

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the case in M.C.No.6 of 2015 on the file of the Judicial Magistrate Court, No.1, Gobichettipalayam, quash the same.

For petitioners : Mr.S.K.Govi Ganesan

For Respondent : Mr.S.Ramachandran

ORDER

This petition has been filed to quash the proceedings in M.C.No.6 of 2015 filed by the respondent herein, pending on the file of the Judicial Magistrate Court, No.1, Gobichettipalayam.

2.The learned counsel for the petitioners submitted that the first petitioner is the husband and the petitioners 2 to 4 are the in-laws of the respondent herein and the marriage between Al/Yassar Arafat and the respondent Viz.,Ayisha was solemnized on 21.08.2014. Thereafter, due to matrimonial disputes the respondent and her husband were living separately from the matrimonial home. Under this circumstance, the respondent herein filed a petition under Domestic Violence Act in M.C.No.6 of 2015 on the file of the Judicial Magistrate, No.1, Gopichettipalayam and implicated the petitioners 2 to 4 as parties to the petition and sought action as against them under Domestic Violence Act. The said M.C.No.6 of 2015 is pending for trial. At this stage, the petitioners herein who are the husband and the in-laws of the respondent pray to quash the proceedings in M.C.No.6 of 2015.

3. Heard Mr.K.Govi Ganesan, learned counsel for the petitioners and Mr.S.Ramachandran, learned counsel for the respondent.

4.In view of the judgement, pronounced by this Court in CrI.O.P.No.28458 of 2019 dated 18.01.2021, this Court finds that the prayer sought for in this petition to quash the proceedings is premature in nature. In view of predominant allegations as against the petitioners, quashing the Domestic Violence Act is not maintainable and therefore , this Court is not inclined to quash the proceedings, hence this petition is dismissed.

5. Accordingly this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

vsn

To

1.The Judicial Magistrate Court No.1,
Gobichettipalayam.

+1cc to M/s.K.Govi Ganesan, Advocate SR.No.8748

CrI.O.P.No.1244 of 2016
and CrI.M.P.No.565 of 2016

CP (CO)
KKV/03/03/2021

सत्यमेव जयते

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