



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.9248 of 2016
and Crl.M.P.Nos.4780 of 2016
and 7715 of 2018

1.P.Jayaprakash
2.P.Kala
3.P.Gomathi
4.P.Divya

...Petitioners/Accused 1-4

Vs.

1.The Protection Officer,
District Social Welfare Office,
Villupuram District.

2.Nithyapriya

...Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in D.V.C.No.4 of 2016 on the file of the learned Judicial Magistrate, Kallakurichi and quash the same.

For Petitioners : Mr.R.Jayaprakash
For Respondents : Mr.R.Kishore Kumar
Govt.Advocate(Crl.side) for R1
Mr.R.Sankarasubbu
for Mr.S.Sathish Kumar for R2

ORDER

This Criminal Original Petition has been filed to quash the proceedings initiated under Section 12 of the Domestic Violence Act making all the family members as respondents.

2. The crux of the allegation in the complaint is that the defacto complainant was subjected to cruelty by her husband and his family members. Therefore, she sought for return of jewels and also for future maintenance.

3. This Court is of the view that as the petition has been filed under Section 12 of the Domestic Violence Act to find out whether any domestic violence is made against the



respondent committed by the petitioners, it requires appreciation of evidence and it cannot be gone into at this stage. It is to be seen only after the evidence is adduced before the Trial Court. Further there is no Protection order whatsoever passed by the Trial Court to invite the penal action as against the petitioners. Accordingly, at this stage, this Court is not inclined to quash the proceedings as against the petitioners. The learned Judicial Magistrate shall take into consideration of all other previous F.I.Rs filed by the defacto complainant and dispose of the main case as expeditiously as possible on merits.

4. At this juncture, the learned counsel appearing for the petitioners seeks indulgence of this Court to grant an order dispensing with the personal appearance of the petitioners. Accordingly, the personal appearance of the petitioners before the trial Court is dispensed except on any other date as may be required by the trial Court.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

msv/nr

To

- 1.The Judicial Magistrate,
Kallakurichi.
- 2.The Chief Judicial Magistrate,
Villupuram.
- 3.The Protection Officer,
District Social Welfare Office,
Villupuram District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Jayaprakash, Advocate SR. No.66751

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