



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18/02/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.16762 of 2019

and

Crl.MP(MD)No.9966 of 2019

WEB COPY

1.Thajnesh
2.Babu
3.Fathima
4.Saburammal
5.Syed Ibrahim

: Petitioners/R2 to R6

Vs.

Tmt.Fathima Begam

: Respondent/Petitioner

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C. to call for the records in MC No.9 of 2014 on the file of the learned Judicial Magistrate, Oddanchathiram and quash the same.

For Petitioner : Mr.R.Mathiyalagan

For Respondent : Mr.S.Karthik

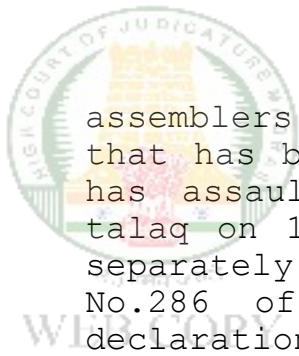
O R D E R

This petition has been filed by the petitioners seeking quashment of the case in MC No.9 of 2014 on the file of the Judicial Magistrate, Oddanchathiram.

2.The case of the petitioners in brief:-

The respondent filed a maintenance petition under section 12 of the Domestic Violence Act, in MC No.9 of 2014 before the Judicial Magistrate, Oddanchatram. Because of the matrimonial dispute, the above said complaint was filed by the respondent stating that the petitioners and others demanded dowry and also ill-treated. Because of the matrimonial issue, she is living separately with her parents and based on that, she filed a petition seeking maintenance of Rs.5,00,000/- and interim maintenance of Rs.50,000/- per month was also prayed.

3.Now the case of the petitioners is that the first petitioner is the mother in law of the respondent and the second petitioner is the brother in law and the petitioners 3 to 5 are only marriage



assemblers. They have not any relation between the matrimonial issue that has been pending between the husband and wife. The respondent has assaulted her husband frequently. So the husband pronounced talaq on 19/03/2014 and she received back her articles and living separately. The son of the 1st petitioner also filed a suit in O.S No.286 of 2014 before the District Munsif Court, Karur for declaration and that was decreed on 15//04/2015. Only after the above said decree, now the case has been wrongly filed, which was registered in Crime No.556 of 2014. Since these petitioners are no way connected with the matrimonial issue, the petition filed against them is liable to be quashed.

4.After the appearance of the respondents, the matter was referred to the Mediation, but it could not be settled. The only point, which arises for consideration is whether MC No.9 of 2014, which is pending on the file of the Judicial Magistrate, Oddanchathiram is liable to be quashed on the ground that these petitioners are no way involved in the matrimonial dispute between the husband and wife. But whatever may be the grounds, which are available to the petitioners, now it has been heard by this court in a batch of criminal original petitions in the case of Paranthaman that the petition filed under section 482 Cr.P.C against petition filed under section 12 of the Domestic Violence Act will not lie and the parties if at all can work the remedy under Article 227 of Constitution of India civil side. Now the matter has been referred to the Larger Bench with regard to the above said issue. Till the disposal of the reference by the Larger Bench, this petition cannot be kept pending, so also this petition can not also be disposed on merits.

5.Without going into the merits, this petition is liable to be **dismissed** with a direction to the Magistrate concerned namely the Judicial Magistrate, Oddanchathiram, to expedite the enquiry process and complete the same within a period of three months as directed by the court in Paranthaman case. The petitioners are at liberty to work out their remedy either before that court or per law.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Judicial Magistrate,
Oddanchatiram.

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

+1 CC to M/s.S.KARTHIK, Advocate (SR-7586[F] dated 21/02/2022)

Crl.O.P. (MD) No.16762 of 2019
18.02.2022

MGJ(07.03.2022) 3P 4C