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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5875 of 2026
and
Crl.M.P(MD)Nos.6355 & 6357 of 2026

1. Siva Ilangovan
2. V.Kalimuthu
3. Malliga
4. Padmanathan

...Petitioners

Vs

1. K.Thilagavalli
2. Minor S.T.Pugaliniyan
3. Minor S.T.Magiliniya

(The respondents 2 and 3 are minor and rep. through
their mother, namely, K.Thilagavalli, who is
1st respondent herein)

...Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act,
to call for the records pertaining to the proceedings in D.V.C.No.5/2024 on the
file of Judicial Magistrate Court, Manamadurai, and quash the same as illegal.

For Petitioners : M/s.S.Balamurugan

For Respondents : Mr.A.R.Kannappan for R1

* * * * *



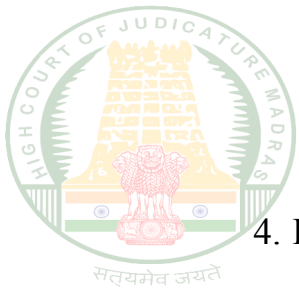
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ORDER

The present petition has been filed by the respondents in D.V.C.No.5 of 2024, on the file of the learned Judicial Magistrate, Manamadurai, seeking to quash the proceedings.

2. According to the learned Counsel appearing for the petitioners, the wife got separated in the year 2022 and thereafter, they are not under a common household. Therefore, the filing of the present petition in the year 2026 under the Domestic Violence Act on the ground that they are sharing the common household is not legally sustainable. He further submitted that the wife has filed H.M.O.P. for divorce in the year 2024 and the husband has also filed a petition seeking restitution of conjugal rights. Only after filing of these petitions, the present proceedings have been initiated.

3. Per contra, the learned Counsel appearing for the first respondent submits that the petitioner has attacked the respondent herein and therefore, there is no possibility of any Mediation or any settlement. He further submitted that there is cause of action for filing the present proceedings and therefore, the same may not be quashed.



4. I have considered the submissions made on either side and perused the materials available on record.

5. I have gone through the averments and allegations in the petition filed under the Domestic Violence Act. Prima facie, I find that the allegations made in the complaint have to be tried and adjudicated upon and no legal grounds have been raised for quashing of the complaint. In such circumstances, I am not inclined to entertain the present petition for quashing of the complaint.

6. Considering the age, the personal appearance of the respondents 2 and 3 shall stand dispensed with. The 4th petitioner is the brother of the third petitioner and his presence shall also stand dispensed with unless specifically directed by the trial Court. As far as the first petitioner/husband is concerned, he is directed to regularly appear before the Court and co-operate for the expeditious disposal of the complaint.

7. With the above said observations, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are also closed.

04.06.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

The learned Judicial Magistrate,
Manamadurai.



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R.VIJAYAKUMAR, J.

RJR

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