



Crl.OP(MD)No.21901 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD)No.21901 of 2025

and

Crl.M.P.(MD)No.18812 of 2025

1. S. Mohamed Anas

2. S. Sahul Hameed

3. S. Kamila

... Petitioners

Vs.

Kaamila Lubaba

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to D.V.C.No.12 of 2025 on the file of the learned Judicial Magistrate, Manapparai, Trichy District, and to quash the same.

For Petitioners : Mr. K.S. Muthu

For Respondent : No appearance



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ORDER

Preface:

This Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the proceedings in D.V.C.No.12 of 2025 pending on the file of the learned Judicial Magistrate, Manapparai, Trichy District.

Case of the Prosecution:

2. The first petitioner is the husband of the respondent, while the second and third petitioners are the father-in-law and mother-in-law of the respondent respectively.

3. The marriage between the first petitioner and the respondent was admittedly a love marriage, and subsequent to the marriage, the couple established their matrimonial home at Chennai, where the first petitioner was employed.



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4. According to the respondent, at the time of marriage, she was provided with 11 sovereigns of gold jewellery, certain home appliances, and a sum of Rs.65,000/- in cash.

5. It is the further case of the respondent that due to matrimonial discord and alleged acts of domestic abuse committed by the petitioners, she was constrained to initiate proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

6. In the said proceedings, the respondent has sought for various reliefs under Sections 18, 19, 20 and 22 of the Act, including protection orders, return of dowry articles and household items, monthly maintenance of Rs.10,000/-, and compensation of Rs. 50,000/- towards other expenses.

Grounds for Quash:

7. The learned counsel appearing for the petitioners would submit that the allegations made in the domestic violence petition



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are wholly false, baseless, and have been made with an ulterior motive. It is further contended that the proceedings initiated before the trial Court amount to an abuse of process of law and therefore, this Court, in exercise of its inherent jurisdiction, ought to quash the same.

Arguments on Either Side:

8. The learned counsel for the petitioners reiterated that the complaint lacks bona fides and does not disclose any *prima facie* case warranting continuation of proceedings.

9. Despite service of notice and her name being printed in the cause list, the respondent has not chosen to appear either in person or through counsel before this Court.

10. This Court has heard the submissions of the learned counsel for the petitioners and perused the materials available on record.



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Point for Consideration:

11. The point that arises for consideration in this petition is whether the proceedings in D.V.C.No.12 of 2025 on the file of the Judicial Magistrate, Manapparai, are liable to be quashed in exercise of the inherent powers of this Court under Section 528 of BNSS, 2023?

Analysis:

12. It is well settled that the power of quashment under Section 528 of BNSS (corresponding to Section 482 Cr.P.C., 1973) is to be exercised sparingly and with circumspection, particularly when the allegations disclose a *prima facie* case.

13. In the present case, a perusal of the complaint filed by the respondent reveals that she has made specific allegations of domestic violence and has sought statutory reliefs available under the Protection of Women from Domestic Violence Act, 2005.



14. The Domestic Violence Act is a welfare legislation intended to provide immediate and effective remedies to women who are subjected to domestic abuse. At the stage of cognizance, a detailed examination of the truth or otherwise of the allegations is not warranted.

15. The contentions raised by the petitioners, disputing the allegations, are essentially matters of defence, which cannot be adjudicated in proceedings under Section 528 of BNSS.

16. This Court does not find any material to conclude that the proceedings before the trial Court are either frivolous or constitute an abuse of process of law warranting interference at this nascent stage. Therefore, this Court is not inclined to quash the proceedings in D.V.C.No.12 of 2025.

17. However, considering the nature of the proceedings and in order to ensure expeditious disposal, this Court deems it appropriate to issue certain directions.



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18. The learned Judicial Magistrate, Manapparai, Trichy District, is directed to dispose of D.V.C.No.12 of 2025, in accordance with Section 12(5) of the Protection of Women from Domestic Violence Act, 2005, within a period of two months from the date of receipt of a copy of this order.

19. The personal appearance of the second and third petitioners before the learned trial Court shall stand dispensed with, unless their presence is specifically required by the trial Court. In the result, this Criminal Original Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed.

06.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

The Judicial Magistrate,
Manapparai,
Trichy District.



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L.VICTORIA GOWRI, J.

Sml

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