

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.6519 of 2015

and

Crl.M.P.No.3399 of 2016

1.Ponnusamy,
2.Ayyammal,
3.Devi,
4.Maheswari

... Petitioners

Vs.

G.Saranya

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records relating in D.V.O.P.No.3 of 2016 on the file of the learned Additional Mahila court (Magisterial Level), Salem and quash the same.

For petitioners : Mr.W.Gamyles Gandhi

For Respondent : Mr.V.Kumar

ORDER

This petition has been filed to quash the proceedings in D.V.O.P.No.3 of 2016 on the file of the learned Additional Mahila Court (Magisterial Level) Salem.

2.The learned counsel for the petitioners submitted that the petitioners are the in-laws of the respondent herein and the marriage between 1st and 2nd petitioner's son viz., P.Singaravelu and the respondent Viz.,G.Saranya was solemnized on 06.02.2042. 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 the Protection of Women from Domestic Violence Act in D.V.O.P.No.3 of 2016 on the file of the learned Additional Mahila Court (Magisterial Level) Salem, D.V.O.P.No.3 of 2016 and implicated the petitioners as parties to the petition and sought action as against them under the Protection of Women from Domestic Violence Act. The said

D.V.O.P.No.3 of 2016 is pending for trial. At this stage, the petitioners herein who are the in-laws of the respondent pray to quash the proceedings in D.V.O.P.No.3 of 2016.

3. Heard W.Gamyles Gandhi, learned counsel appearing for the petitioners nad Mr.V.Kumar, learned counsel appearing for the respondent.

4.This Court, in Crl.O.P.No.28458 of 2019 [Dr.P.Pathmanathan and others vs. Tmt.V.Monica and others], vide order dated 18.01.2021, after elaborately considering the nature of the proceedings under the Protection of Women from Domestic Violence Act before the criminal Court and after considering the various decisions of the Supreme Court, dismissed the original petition holding that the proceedings under said Act in a Criminal Court are civil in nature; the truthfulness of allegation in the case has to be decided by letting in evidence in the trial Court; by invoking the provisions under Section 482 Cr.P.C., the proceedings before the trial Court cannot be quashed.

5. In this Criminal Original Petition, the petitioners seek to quash the proceedings in D.V.O.P.No.3 of 2016 before the learned Additional Mahila Court (Magisterial Level) Salem.

6.In view of the above said decision, the prayer in this criminal original petition is unsustainable. Accordingly, this Criminal Original Petition stands dismissed with liberty to the petitioners to approach the trial Court for appropriate remedy. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsn

To

The Additional Judge, (Magisterial Level)
Mahila Court, Salem.

Crl.O.P.No.6519 of 2015
and Crl.M.P.No.3399 of 2016

LN(CO)
CB(29/03/2021)