

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.O.P.No.20395 of 2014 and  
M.P.No.1 of 2014 and  
M.P.No.1 of 2015

1. K.Senrayaperumal
2. Santha
3. Ramesh

.... Petitioners

Vs

Mohanapriya

.... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Crl.P.C., praying to call for the records with respect of DVOP.165 of 2013 on the file of Judicial Magistrate, Additional Mahila Court, Salem filed by the respondent and quash.

For petitioners : Mr.R.Nalliyappan

For Respondent : Mr.Jana Govardhan  
Maheswaran

O R D E R

Petitioners seek quash of proceedings in DVOP.165 of 2013 on the file of Judicial Magistrate, Additional Mahila Court, Salem.

2. Respondent has preferred D.V.O.P.165 of 2013 on the file of Judicial Magistrate, Additional Mahila Court, Salem seeking relief under Sections 17, 18, 19(1) 20, 22, 23 of the Protection of Women from Domestic Violence Act, 2005. Respondents therein are the husband, parents-in-law and brother-in-law. Respondent/wife has also impleaded a lady alleging that the husband had an affair with her but has subsequently give up the action as against such lady. Challenging the proceedings as against them, petitioners/father-in-law, mother-in-law and brother-in-law of the respondent have filed the present petition seeking quash of proceedings in D.V.O.P.No.165 of 2013 on the file of Judicial Magistrate, Additional Mahila Court, Salem.

3. Learned counsel for petitioners submitted that all the reliefs prayed by the respondent are against the husband, no relief has been sought as against these petitioners. While there is absolutely no allegation against petitioners 1 and 3, the allegation against the second petitioner is that when respondent informed the second petitioner/mother-in-law of the wrongful relationship of her husband with the other lady, second petitioner informed her that respondent should adjust since her son's happiness was paramount to her and otherwise her matrimonial life would be affected.

4. Learned counsel for respondent submitted that the action of the second petitioner caused emotional harm to the respondent. He also contended that an order for interim maintenance passed by the Court below has been challenged and the matter has subsequently been remitted by the Appellate Court. As the matter has been remitted by the Appellate Court, the present petition seeking quash would not lie. We are unable to accept such contention.

5. Learned counsel further submitted that owing to the pendency of this petition, respondent has not been able to obtain maintenance from the year 2013.

6. On consideration, this Court is of the view that the allegations against the second petitioner are to be seen as totally unfounded. There is no material to support such allegation. As rightly contended, all other reliefs claimed are only against the husband. In the circumstance, this Court would allow the present quash petition.

7. Accordingly, the Criminal Original Petition is allowed. The proceedings in D.V.O.P.No.165 of 2013 on the file of Judicial Magistrate, Additional Mahila Court, Salem, is quashed insofar as the petitioners herein are concerned as it is contended that owing to an order of remittal by the appellate Court, the respondent is deprived of maintenance since 2013, this Court directs the Court below to dispose of D.V.O.P.No.165 of 2013 as expeditiously as possible, in any event within a period of three months from the date of receipt of this order. Connected miscellaneous petitions are also closed.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

dpq

To

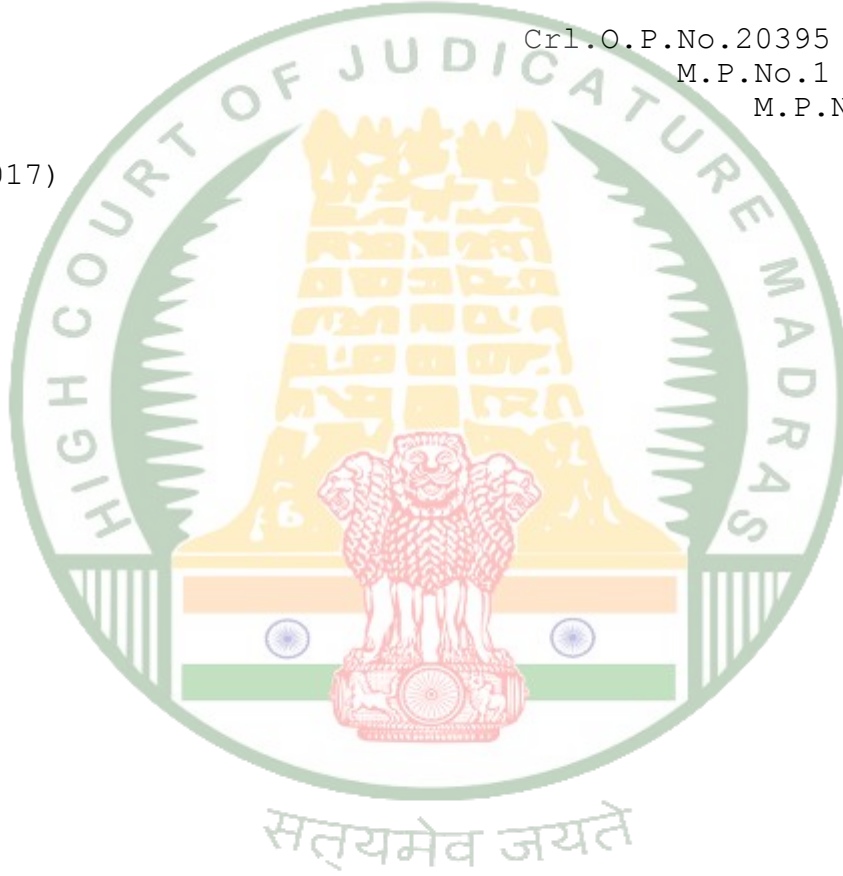
1.The Judicial Magistrate,  
Additional Mahila Court,  
Salem

+1cc to Mr.R.Nalliappan,Advocate sr.17518

+2cc to Mr.M.Kamalanathan,Advocate sr.17466(19/6/2017)

Crl.O.P.No.20395 of 2014 and  
M.P.No.1 of 2014 and  
M.P.No.1 of 2015

ss(19/6/2017)



WEB COPY