

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.S.RAMESH

Crl.O.P.No.3637 of 2017
and
Crl.M.P.Nos.2635 and 2636 of 2017

1.Iravan Gurudev
2.Andal
3.Malaiyan

... Petitioners/Accused No.1 to 3

....Vs....

1.The Protection Officer,
Singaravelan Maaligai,
No.32,Rajaji Salai,
Chennai - 600 001.

...1st Respondent/Complainant

2.K.H.Rashme

.. 2nd Respondent/Defacto Complainant

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in D.V.C.No.183 of 2016 on the file of the Mahila Court, Allikulam, Chennai and quash the same.

For Petitioners : Mr.M.Baskar
for M/s.V.Veluchamy

For R1 : Mr.P.Govindarajan,
Addl.Public Prosecutor

For R2 : Mr.T.K.S.Gandhi

O R D E R

This Criminal Original Petition has been filed under Section 482 Cr.P.C, to call for the records in D.V.C.No.183 of 2016 on the file of the Mahila Court, Allikulam, Chennai and quash the same.

2. The prayer in the impugned proceedings initiated under Domestic Violence Act is as against the petitioner for sharing household, monthly maintenance and compensatory relief.

3.While, the first petitioner is the husband, the second and third petitioners are mother-in-law and father-in-law of the 2nd respondent herein.

4. The learned counsel for the petitioners submitted that the petitioner has initiated these proceedings only for the purpose of wrecking vengeance against the petitioners, in view of her grievance with the 1st petitioner. The second and third petitioner have been unnecessarily implicated.

5. The learned counsel for the second respondent vehemently argued that it is at the instance of the second and third respondents, all acts of Domestic Violence Act have been made. The learned counsel for the second respondent further submitted that had it not been attitude of the second and third respondent, their matrimonial life would have been in a peaceful manner. On perusal of the relief sought for in the impugned proceedings under the Domestic Violence Act, it is seen that the relief for share household, monthly maintenance and compensatory relief is made against the first petitioner/husband alone.

6.Though, the second respondent has made various allegations against the second and third petitioners, no relief has been sought for as against them. It is also submitted that by the learned counsel for the petitioners that the shared household which the second respondent is seeking for belongs to the first petitioner. While that being so, I am of the view that the second and third petitioners who are senior citizens, need not undergo the ordeal of facing the trial. Since, even if ultimately, the Domestic Violence case is ordered in favour of the second respondent, no relief can be granted against the second and third petitioners herein. The other allegations, in so far as the first petitioner is concerned, is a matter which needs further deliberations and can be substantiated only through a proper trial. सत्यमेव जयते

7. In view of the above said observations, the proceedings as against the second and third petitioners/accused No.2 and 3 are quashed. The proceedings as against the first petitioner/first accused shall continue. Since the case is now posted for trial and also taking note of the fact that the proceedings is pending for past one year, it would be appropriate to direct the learned Mahila Court Judge, Allikulam, Chennai to complete the trial within a period of six months from the date of receipt of a copy of this order.

8. With these observations, this Criminal Original Petition is partly allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1.The Judge,
Mahila Court,
Allikulam, Chennai

2.The Protection Officer,
Singaravelan Maaligai,
No.32,Rajaji Salai,
Chennai - 600 001.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Veluchamy, Advocate sr.71837

+1cc to Mr.T.K.S.Gandhi, Advocate sr.71672

Crl.O.P.No.3637 of 2017 and
Crl.M.P.Nos.2635 and 2636 of 2017

ss (24/10/2017)

सत्यमेव जयते

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