

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2972 of 2017
and Crl.M.P.Nos.2119 & 2120 of 2017

1.K.R. Sasirekha (J.Sasirekha)

2.V. Jaichandran

..Petitioners/Respondents

Vs.

Smt.S. Suriya Devi

..Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. Praying to call for records in D.V.A.No.27/2016 pending on the file of the learned Judicial Magistrate No.II at Coimbatore, quash all further proceedings as against the petitioners.

For Petitioners : M/S. R. Baskar
For Respondent : M/S.V.S. Usharani

ORDER

This petition is filed seeking to quash the proceedings in D.V.A.No.27/2016 pending on the file of the learned Judicial Magistrate No.II at Coimbatore as against the petitioners.

2. The 1st petitioner herein is the sister-in-law of the respondent herein and the 2nd petitioner is the husband of the 1st petitioner. The respondent herein has sought for various reliefs under the Protection of Women from Domestic Violence Act. According to the respondent herein/petitioner in DVA.No.27/2016, the petitioners have indulged in various acts as defined under the Domestic Violence Act.

3. On a perusal of the complaint made under the Domestic Violence Act except for a vague allegation that these petitioners had demanded dowry from the respondent herein, there are no specific averments to constitute the acts of Domestic Violence as defined under the said Act as against the petitioners.

4. The learned counsel for the respondent submitted that in view of the attitude to these petitioners, the prayer for protection order have also been sought for in the Domestic Violence Petition before the Court below. But the contents in the petition filed in the Domestic violence reads otherwise. An overall reading goes to show that the grievance of the respondent herein is mostly against her husband. While that being so, it is rather unfortunate that the respondent herein had chosen to implicate the petitioners herein who are the sister-in-law and her husband. It is further seen that the petitioners herein were never living in the matrimonial house of the respondent. In the absence of any averment for constituting acts of domestic violence co-relating to the relief sought for and also taking note of the fact that the petitioners herein had never lived in the matrimonial house, I am of the view that these petitioners need not undergo ordeal of facing the trial.

5. This is not the first case where I have come across cases where all the in-laws have mechanically been implicated in the case of Domestic violence Act. The Hon'ble Supreme Court in a judgment (2010) 7 SCC 667 Preethi Gupta Vs. Jharkhand had observed that it is a matter of common experience that unfortunately matrimonial litigation is rapidly increasing in our country and most of the complaints are filed in the heat of the moment over trivial issues. The Hon'ble Apex Court had further observed that a large number of such complaints which are not even bona fide, are filed with an oblique motive. Unfortunately, the tendency of implicating the husband's close relatives, who are living in different places, is quite common. This is yet another case, where the respondent herein had chosen to implicate her in-laws who do not seem to have any connection with the dispute as alleged by the respondent in her complaint.

6. In the result the proceedings in D.V.No.27 of 2016 on the file of the learned Judicial Magistrate Coimbatore in so far as to relates to the petitioners herein/respondents 3 and 4 in the trial Court are quashed. This Criminal Original Petition stands allowed. Consequently, the connected Miscellaneous Petitions are also closed.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

rpl

To

1. The Judicial Magistrate No.II,
Coimbatore

+2 Ccs to Mr.R. Baskar, Advocate sr 77139.

+1 cC to Ms.V.S. Usha Rani, Advocate sr 77053.

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SP(16/11/2017)



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