

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2018

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CRL.O.P.No.15122 of 2015
and M.P.No.1 of 2015

1.N.K.Nagoor Meeran
2.Tajunnisha

...Petitioners

-Vs-

Jannath

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in D.V.C.No.14 of 2015 on the file of the learned XV Metropolitan Magistrate, George Town, Chennai and to quash the same.

For Petitioners: Mr.V.V.Sairam
No appearance

For Respondent : Mr.K.Gajendiran

O R D E R

This petition has been filed to quash the proceedings in D.V.C.No.14 of 2015 on the file of the learned XV Metropolitan Magistrate, George Town, Chennai.

2.For the sake of convenience, the parties will be referred to by their name. Mrs.Jannath got married to one N.Mohammed Yousuf on 01.05.2013 and they have one child, who is mentally challenged. Jannath was subjected to cruelty in the matrimonial home by her husband and in-laws. Therefore, she initiated proceedings under the Domestic Violence Act in D.V.C.No.14 of 2015 before the learned XV Metropolitan Magistrate, George Town, Chennai, against her husband and parents-in-law for various reliefs. Challenging the said proceedings, the parents-in-law have filed the present petition.

3.On 20.07.2016, the learned counsel on record for the petitioners (N.K.Nagoor Meeran and Tajunnisha) has filed a Memo stating that the parties have taken away the bundle. The name

of the parties is printed in the cause list and their names were called out thrice by the Office Assistant of this Court. There is no representation for the petitioners.

4. On perusal of the records, it is seen that there are sufficient allegations in the petition in D.V.C.No.14 of 2015 against N.K.Nagoor Meeran and Tajunnisha, one of which is under:

"Further as my husband had not responded to my phone calls, my parents took me to the matrimonial home during March 2014, my husband, father-in-law, mother-in-law have all abused me and my parents with bad words. My husband went to the extent of attempting to assault my father. My father-in-law and mother-in-law instigated my husband. They had not allowed me to reside, virtually they pushed me and my father out of the home. My father wanted me to lodge a police complaint, however I restrained him considering my family welfare. In view of such arrogant attitude of my husband and their family members, I suffered low pressure and also got medical treatment and trips were given to me."

5. It may be necessary to briefly state about certain collateral proceedings between the parties. Jannath filed M.C.No.1 of 2016 under Section 125 of the Code of Criminal Procedure before the learned Judicial Magistrate No.I, Tambaram, claiming maintenance. Her husband, Mohammed Yousuf filed O.S.No.28 of 2015 before the I Additional Family Court, Chennai, for divorce. After filing the divorce application, Mohammed Yousuf filed Crl.O.P.No.8989 of 2016 for transferring the case in M.C.No.1 of 2016 to the I Additional Family Court, Chennai, to be tried with O.S.No.28 of 2015. When the transfer application came up for hearing, this Court, by order dated 02.06.2016, passed the following orders:

"3. Under such circumstances, the petitioner is directed to deposit a sum of Rs.5,000/- before 5th of every English calendar month to the credit of O.S.No.28 of 2015 on the file of the I Additional Family Court, Chennai, as ad-interim maintenance without prejudice to both the parties. On such deposit, the respondent-Wife is entitled to withdraw the same.

4. For the month of June 2016, the said sum of Rs.5,000/- shall be deposited on or before 29.06.2016.

5. The petitioner shall not withdraw O.S.No.28 of 2015 until all the disputes are legally settled."

6. Today, it is represented by Jannath that Mohammed Yousuf has withdrawn O.S.No.28 of 2015 and in view of withdrawal of the suit, he need not to pay the maintenance to her. When this is the attitude of her husband, they do not deserve any indulgence of this Court.

In the result, this Criminal Original Petition is dismissed. The trial Court is directed to proceed with the case in D.V.C.No.14 of 2015. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

dh/mps

To

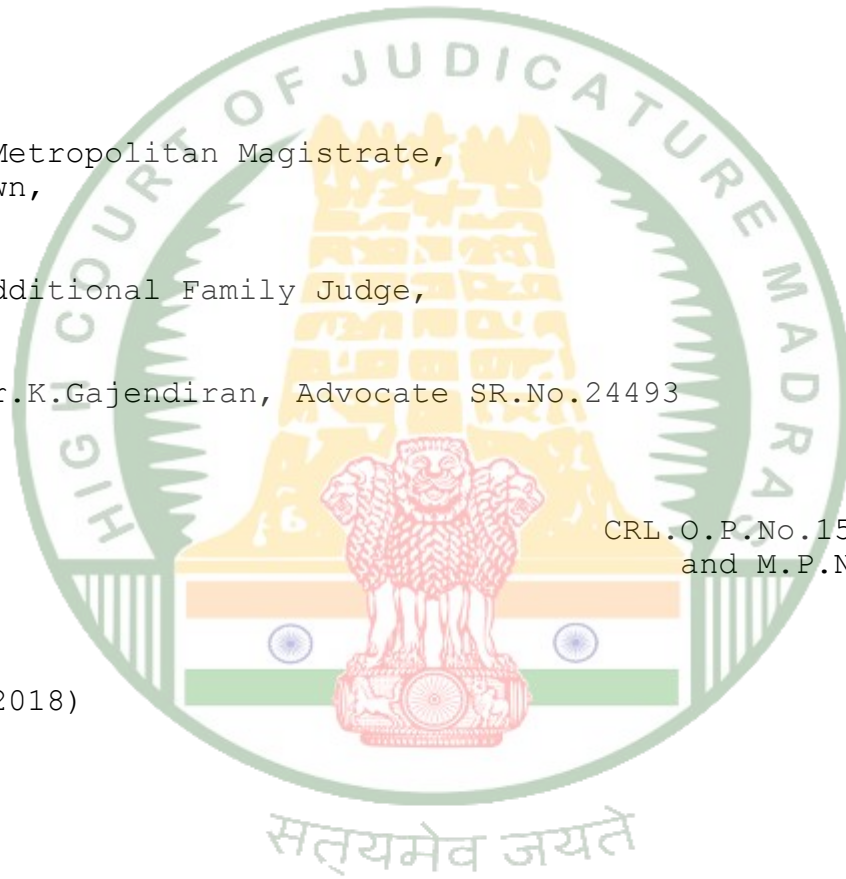
1.The XV Metropolitan Magistrate,
George Town,
Chennai.

2.The I Additional Family Judge,
Chennai.

+1cc to Mr.K.Gajendiran, Advocate SR.No.24493

CRL.O.P.No.15122 of 2015
and M.P.No.1 of 2015

SS(CO)
GN(17/04/2018)



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