

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1517 of 2016

1.C.P.Ramalingam

2.R.Chellammal

... Petitioners/Respondents 2 & 3

Vs.

Punithavalli

.. Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records concerned in M.C.No.36 of 2015 pending trial on the file of the Learned Judicial Magistrate-III at Puducherry and quash the same.

For Petitioners : Mrs.V.Yamuna Devi

For Respondent : No Appearance

O R D E R

This petition has been filed by the petitioners seeking to quash the proceedings in M.C.No.36 of 2015 on the file of the learned Judicial Magistrate-III at Puducherry.

2.The petitioners herein are the father-in-law and mother-in-law of the respondent herein respectively, who have been arrayed as second and third respondents in the Domestic Violence Case, which proceedings are under challenge before this Court.

3.Heard Mrs.V.Yamuna Devi, learned counsel for the petitioners and there is no representation for the respondent.

4. On a perusal of the petition filed under the Domestic Violence Act, it is seen that the respondent herein had married the petitioner's son on 09.06.2014 at Puducherry. Admittedly, after two weeks from the date of marriage, the respondent herein had taken a rental house at Vettavallam, Thiruvannamalai District and established her matrimonial house therein. After the incident, the respondent herein had indulged in various acts against her husband and has alleged these aspects to be acts of domestic violence. In this background, she has claimed for

protection orders, return of Sreethana articles, monthly maintenance, accommodation and compensation in the Domestic Violence Case.

5. I have perused the entire complaint. Insofar as the averments made against these petitioners herein are concerned, it is alleged that the petitioners did not take any care to advise their son to behave properly with the respondent for smooth running of the family. It is further alleged that they have supported the stand taken by the respondent's husband.

6. I am unable to comprehend as to how these averments can construe acts of domestic violence as defined under Section 3 of Domestic Violence Act. Section 3 of the Domestic Violence Act defines the terms domestic violence wherein, omission or commission or conduct of these petitioners that may harm or injure or harass or endanger the respondent can be claimed to be acts of domestic violence. The different forms of abuses namely, physical abuse, sexual abuse, emotional, verbal and psychological abuse and economic abuse are also defined under Section 3 of the Domestic Violence Act. Insofar as the averments in the complaint is concerned, I am unable to see any specific overt acts that may implicate these petitioners having committed any abuse to constitute domestic violence. There is no form of abuse alleged against these petitioners herein.

7. Further, by considering the fact that the respondent had established her matrimonial house two weeks after her marriage and that, in the said two weeks she had resided with the petitioners herein, no allegations have been made of any act which may construed to be an act of domestic violence.

8. It is further seen that insofar as the relief of maintenance, compensation, return of sreethana articles and alternate accommodation, none of the averments may give a cause of action for the respondent herein to seek these reliefs as against these petitioners herein. Insofar as relief of protection orders are concerned, there is no averment in the complaint which may construed an act of domestic violence and therefore, the relief of protection order also cannot be maintainable against these petitioners.

9. At this juncture, the learned counsel of the petitioner, by relying upon the letter of the respondent dated 09.12.2015, submitted that the sreethana articles and cash were returned to her and as such, the relief of return of sreethana articles also cannot be maintained. As such, these petitioners, being the in-laws, may not be proper parties for consideration of such reliefs. In the absence of any overt acts as against these petitioners, which may be construed to be acts of domestic

violence and taking into account of the fact that these petitioners did not reside in the shared household of the respondent herein, I am of the view that they should not be put to undergo ordeal of a criminal trial.

10. In the result, the proceedings in M.C.No.36 of 2015 on the file of the learned Judicial Magistrate-III, Puducherry as against the petitioners herein/respondents 2 & 3 stands quashed. The Criminal Original Petition ordered accordingly.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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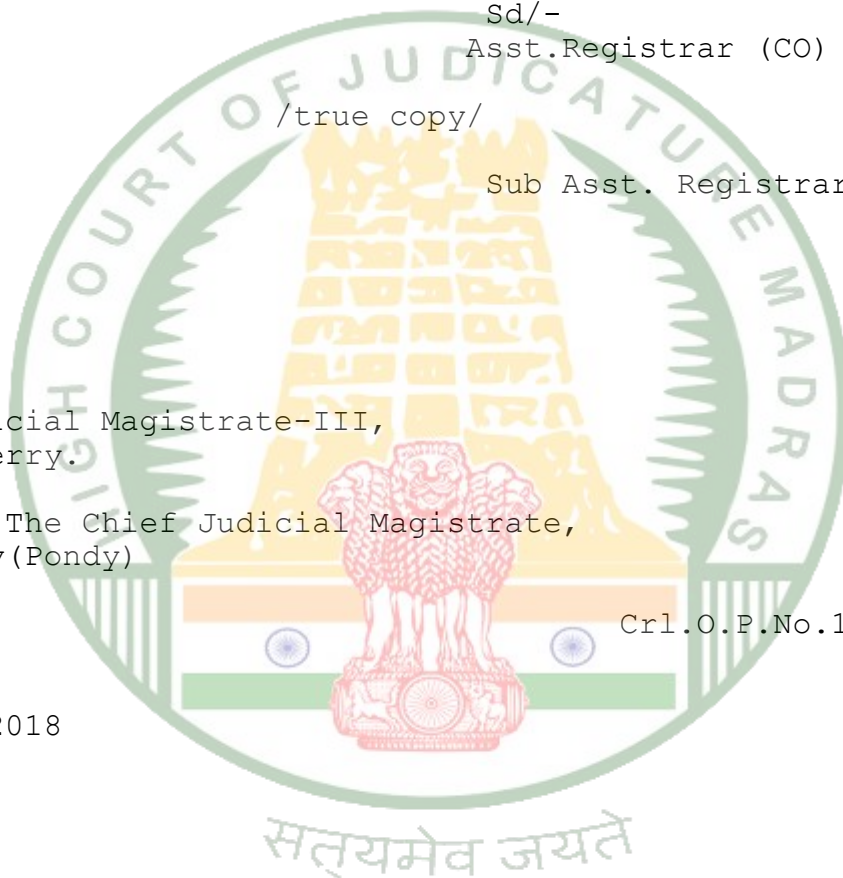
To

1.The Judicial Magistrate-III,  
Puducherry.

2.do-Thro The Chief Judicial Magistrate,  
Puducherry(Pondy)

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