

INTHE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P. No.27752 of 2017

and

CrI.MP.Nos.15811,15812/2017 & 9376/2018

1.Dr.P.L.Natrajan

2.N.Palaniappan

3.P.Sigappi ... Petitioners/Respondents 1-3

. Vs .

Salai Sundari ...Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the D.V.C.No.158 of 2017, on the file of the Additional Mahila Court, Allikukam, Chennai, quash the same.

For Petitioners: Mr.R.Radha Pandian

For Respondent: Mr.P.Sathish
Mr.A.Selvendran

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.C.No.158 of 2017, on the file of the Additional Mahila Court, Allikulam, Chennai.

2.The respondent has filed a petition under the Domestic Violence Act, and has sought for various reliefs of monthly maintenance, compensation, and litigation expenses. The 1st petitioner is the husband, and 2nd and 3rd petitioners are the in-laws of the respondent.

3.The respondent has made sufficient allegations as against the 1st petitioner in the Domestic Violence Petition. It is seen that the 1st petitioner is a Doctor, and the respondent is

a Dentist. There was a misunderstanding between the parties since the respondent alleges that the 1st petitioner was suffering from impotency and this was not revealed at the time of marriage. As a result of the same, the 1st petitioner had started committing cruelty as against the respondent. In this regard certain general allegations have also been made against the 2nd and 3rd petitioners.

4.The learned counsel for the petitioners would submit that there are absolutely no grounds to sustain the petition as against the 2nd and 3rd petitioners. The learned counsel would further submit that the 1st petitioner has been made to face one proceeding after another and the entire allegations made in the Domestic Violence Petition is false.

5.The learned counsel for the respondent would submit that there are sufficient allegations been made against all the petitioners in the Domestic Violence Petition and due to the pendency of this Criminal Original Petition, there has been absolutely no progress in the case from the year 2017 onwards. The learned counsel would further submit that due to various pending proceedings, the respondent is not in a position to practise as a dentist and she has absolutely no earnings and the 1st petitioner is not even providing her with minimum maintenance. The learned counsel for the respondent would further submit that the respondent is always willing to live with the 1st petitioner and the 2nd and 3rd petitioners, are not allowing the respondent to get into the matrimonial house.

6.This Court has carefully considered the submissions made on either side and also the materials placed on record. It is seen from the petition that sufficient allegations have been made as against the 1st petitioner and the truth or otherwise of the allegations will have to be decided only by the Court below, and this Court cannot get into that exercise in exercise of its jurisdiction under Section 482 of Cr.P.C. Insofar as the 2nd and 3rd petitioners are concerned, only general allegations are made against them. It is seen that the 2nd petitioner is aged about 73 years, and the 3rd petitioner is aged about 67 years and at this stage of life they need not undergo the ordeal of facing a trial before the Court below in the pending Domestic Violence Petition. Therefore, this Court is inclined to interfere with the proceedings insofar as the 2nd and 3rd petitioners are concerned.

In the result, this Criminal Original Petition is dismissed insofar as the 1st petitioner is concerned, and it stands allowed insofar as the 2nd and 3rd petitioners are concerned. The Court below is directed to complete the proceedings in D.V.C.NO.158 of 2017, as against the 1st petitioner, within a

period of three months from the date of receipt of copy of the order. Consequently, all the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KP

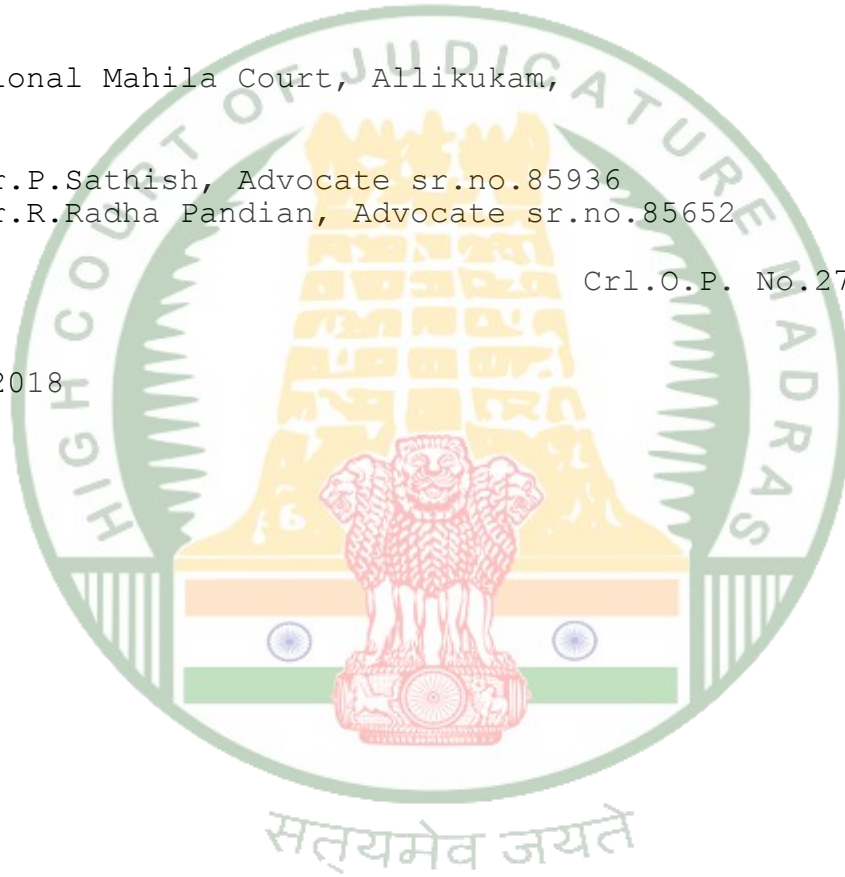
The Additional Mahila Court, Allikukam,
Chennai.

+1cc to Mr.P.Sathish, Advocate sr.no.85936

+1cc to Mr.R.Radha Pandian, Advocate sr.no.85652

Cr1.O.P. No.27752 of 2017

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