

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9321 of 2013 and
Crl.M.P.No.1 of 2013

1.Sabeetha
2.Mohamed Hanif
3.Fathima
4.Alavudeen

... Petitioners

Versus

G.Heena Ghouser

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the proceedings of M.C.No.2 of 2012 pending before the Judicial Magistrate No.I, Krishnagiri.

For Petitioners : M/s.P.Sesubalan Raja

For Respondent : M/s.Mukund R.Pandiyan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in M.C.No.2 of 2012 on the file of the Judicial Magistrate Court No.I, Krishnagiri.

2.The petitioners are the respondents 4 to 8 in M.C.No.2 of 2012 which has been filed by the respondent under Sections 18, 19, 20 and 21 of the Protection of Women from Domestic Violence Act, 2005. The relief sought for by the respondent is that the respondent needs Protection orders, Residence orders, Monetary reliefs and Custody orders.

3.The learned counsel for the petitioners would submit that there are totally eight accused in this case, in which the petitioners are arrayed as A4, A5, A6 and A8. The marriage between the respondent and one Muneer was solemnized on 28.02.2010 at Krishnagiri as per the Muslim Rites and Customs. In view of the employment in Chennai, the newly married couple had started their matrimonial life at Neelankarai. Due to some

difference opinion, the respondent left to her parental home on 11.01.2011. Thus, the respondent has separated her husband Muneer for the past several years. He would further submit that the petitioners are only in-laws to the respondent because of the relationship with the said Muneer they have been arrayed as accused in M.C.No.2 of 2012.

4.It is the further contention of the learned counsel for the petitioners is that the petitioners never stayed with the respondent and there was no domestic relationship or shared household between them. Except for a bald averments made in the sworn statement that the family members of the said Muneer demanded Rs.5,00,000/- for dowry, there is no specific allegation of overtact against these petitioners.

5.Heard M/s.P.Sesubalan Raja, learned counsel for the petitioners and M/s.Mukund R.Pandiyan, learned counsel for the respondent.

6.It is seen that the relief sought for by the respondent in the domestic violence case under Sections 18, 19, 20 and 21 of the Protection of Women from Domestic Violence Act 2005 is against her estranged husband Muneer. The petitioners herein are the in-laws of the respondent and they are living separately. In view of the fact that the allegations meted out by the petitioners against the respondent itself seems to be false. While that being so, there cannot be any act of any domestic violence as defined under Domestic Violence Act against petitioners. In the absence of the same, the proceedings as against the petitioners cannot be maintained.

7.In view of the same, this Criminal Original Petition stands allowed and the proceedings as against the petitioners alone in M.C.No.2 of 2012 on the file of the Judicial Magistrate Court No.I, Krishnagiri is quashed. The impugned proceedings is pending from the year 2012, it would be appropriate to direct the trial Court to complete the trial within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

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Sub Assistant Registrar

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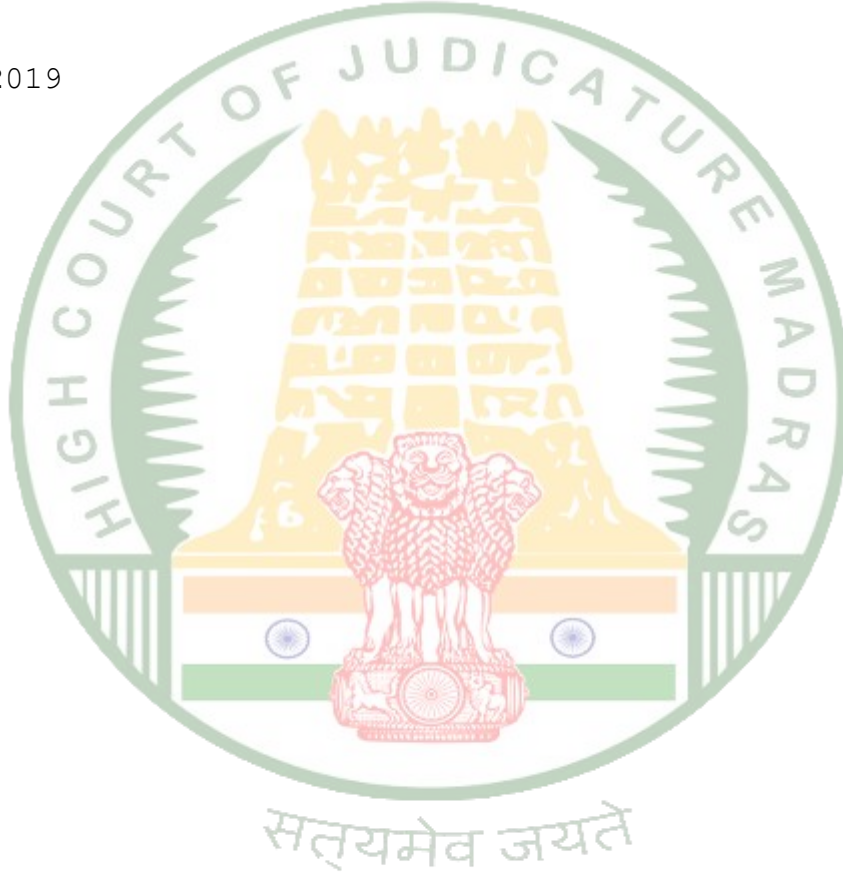
To

1. The Judicial Magistrate No.I,
Krishnagiri.
2. Do Thro' The Chief Judicial Magistrate,
Krishnagiri.

+1cc to M/s.P.Sesubalan Raja, Advocate, S.R.No.54559
+1cc to M/s.Mukund R.Pandiyan, Advocate, S.R.No.54424

CRL.O.P.No.9321 of 2013

KK(CO)
CS/30/07/2019



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