

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.20517 of 2018
and CrI.M.P.No.11036 of 2018

1.P.Kalaivanan @ Dhananchezhian,
2.Paramasivam,
3.Suguna,
4.Kalaivani,
5.Paranthaman
6.Kalaiarasan ... Petitioners

Vs.

Sangeetha @ Rajalakshmi ... Respondent

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to D.V.C.No.10 of 2017 on the file of the Judicial Magistrate No.I, Tiruvallur and quash the same.

For Petitioners: Mr.C.S.Saravanan

For Respondent : Mr.G.Ranganathan

ORDER

This petition has been filed to to quash the proceedings in D.V.C.No.10 of 2017, pending on the file of the learned Judicial Magistrate No.1, Tiruvallur.

2.The petitioners are in-laws of the respondent and the marriage between 1st petitioner/P.Kalaivanan @ Dhananchezhian and the respondent Viz.,Sangeetha @ Rajalakshmi was solemnized on 26.02.2012. Thereafter, due to matrimonial disputes the respondent left the matrimonial home and living with her mother from 20.08.2016. It is seen that out of their wedlock,they were not blessed with a child and hence there arose a problem with her husband and inlaws. Under this circumstance, the respondent herein filed a petition under Domestic Violence Act in D.V.C.No.10 of 2017 before the learned Judicial Magistrate Court I, Tiruvallur, and implicated the petitioners and her husband as parties to the petition and sought to take action as against them under Domestic Violence Act. The said D.V.C.No.10 of 2017

is pending for trial. At this stage, the petitioners herein who are the in-laws of the respondent pray to quash the proceedings in D.V.C.No.10 of 2017.

3. Heard Mr.C.S.Saravanan, learned counsel for the petitioners and Mr.G.Ranganathan, learned counsel for the respondent.

4. It is seen that the relief sought for by the respondent/wife in the domestic violence case with regard to residential rights, compensation, etc., can be made and claimed as against her husband, who is already a party in that case. The petitioners herein are only in-laws of the respondent and they are living separately. As such, the protection order sought for by the respondent herein in the domestic violence case against these petitioners/in-laws, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners 2 to 6 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 these petitioners cannot be maintained and consequently, petitioners need not undergo the ordeal of facing a criminal trial.

5. In view of the above, this Court is inclined to quash the proceedings in D.V.C.No.10 of 2017, on the file of the Judicial Magistrate Court I, Tiruvallur, insofar as petitioners 2 to 6 are allowed, on condition that, they shall ensure that the 1st petitioner/husband of the respondent shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) per month on or before 5th of every English Calendar month to the credit of D.V.C.No.10 of 2017, on the file of the Judicial Magistrate Court I, Tiruvallur, as ad-interim maintenance, without prejudice to both the parties, failing which this order shall stand automatically cancelled. On such deposit being made, the respondent is entitled to withdraw the same.

6. Insofar as 1st petitioner/husband of the respondent is concerned, this petition is dismissed. However, since the impugned proceedings in D.V.C.No.10 of 2017 is pending, 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. The 1st petitioner/husband of the respondent is directed to appear before the trial Court on the next hearing date, failing which, the respondent is at liberty to approach this Court.

7. In the result, this Criminal Original Petition stands allowed in respect of petitioners 2 to 6 and dismissed insofar as 1st petitioner is concerned. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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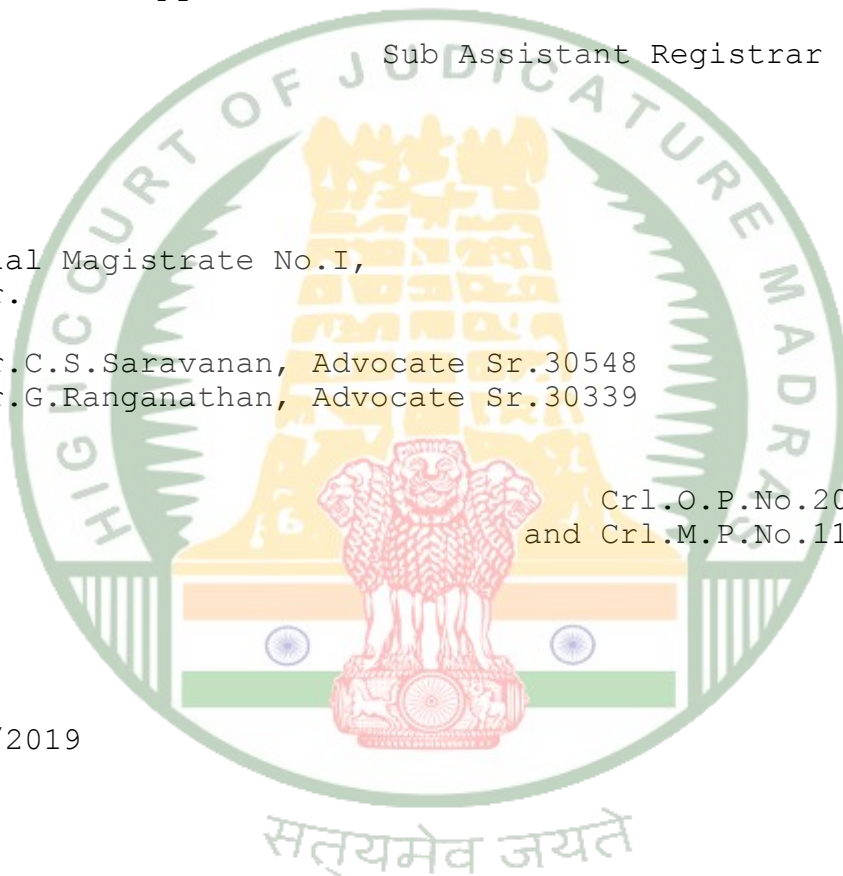
To

The Judicial Magistrate No.I,
Tiruvallur.

+1cc to Mr.C.S.Saravanan, Advocate Sr.30548
+1cc to Mr.G.Ranganathan, Advocate Sr.30339

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