

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.525 of 2016 and
Crl.M.P.No.223 of 2016

1.M.Raju
2.Manecklal
3.Baby Bai
4.Kavitha
5.Asokh Chunilal
6.Prakash
7.Preksha
8.Munna@ Dinesh
9.Teena

... Petitioners

Vs.

Tanuja

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records under Domestic Violence Act in D.V.A.No.5 of 2014 pending on the file of the learned Judicial Magistrate No.V, Coimbatore and quashing the same.

For Petitioners: Ms.T.Renuka

For Respondent : No Appearance

ORDER

This petition has been filed to call for the records under Domestic Violence Act in D.V.A.No.5 of 2014 pending on the file of the learned Judicial Magistrate No.V, Coimbatore and quashing the same.

2. The petitioners are in-laws of the respondent and the marriage between Al/Raju and the respondent Viz.,Tanuja was solemnized on 08.02.1995. Thereafter, due to matrimonial disputes the respondent and her husband were living separately from the matrimonial home. Under this circumstance, the respondent herein filed a petition under Domestic Violence Act in D.V.A. No.5 of 2014 on the file of the Judicial Magistrate-V,

Coimbatore and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.A.5 of 2014 is pending for trial. At this stage, the petitioners herein who are the husband and the in-laws of the respondent pray to quash the proceedings in D.V.A.No.5 of 2014.

3. Heard Ms.T.Renuka, the learned counsel for the petitioners. None appeared for the respondent.

4. It is seen that the relief sought for by the respondent 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. Petitioners 2 to 9 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 2 to 9 / in-laws, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by petitioners 2 to 9 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 2 to 9. In the absence of the same, the proceedings as against petitioners 2 to 9 cannot be maintained and consequently, petitioners 2 to 9 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 DVA.No.5 of 2014, on the file of the Judicial Magistrate-V, Coimbatore insofar as petitioners 2 to 9 are concerned. Insofar as the first petitioner /husband of the respondent is concerned, since the impugned proceedings in DVA.No.5 of 2014 is pending from the year 2014 onwards, it would be appropriate to direct the trial Court to complete the trial within a period of six months from the date of receipt of copy of this order. The first 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.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

lok

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The learned Judicial Magistrate No.V,
Coimbatore

2. The Chief Judicial Magistrate,
Coimbatore.

+1cc to M/s.T.Renuka, Advocate, Sr.No.12956/19

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CrI.M.P.No.223 of 2016

Kak (23/03/2019)



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