

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3845 of 2019
and Crl.M.P.Nos.2366 & 2368 of 2019

1.Prasanna Rajkumar
2.D.Santhanam
3.S.Sakthivel
4.D.Kabilar
5.D.Latha
6.D.Chithra

... Petitioners/Accused

(This petition is dismissed insofar
as 1st petitioner is concerned vide
order dated 13.02.2019 in Crl OP No.3845/19)

Vs.

A.Vani @ Shivani, ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C. praying to quash the proceedings in M.C.No.1 of 2019
pending on the file of Judicial Magistrate Court No.1,
Chidambaram.

For Petitioners: Mr.A.Mohammed Ismail

For Respondent : No appearance.

ORDER

This petition has been filed to quash the proceedings in
M.C.No.1 of 2019 pending on the file of Judicial Magistrate
Court No.1, Chidambaram.

2.The petitioners are in-laws of the respondent and the
marriage between 1st petitioner/Prasanna Rajkumar and the
respondent Viz.,A.Vani @ Shivani was solemnized on 02.02.2017.
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 before the All Women Police Station,
Chidambaram and a case was registered in M.C.No.1 of 2019 on the
file of the Judicial Magistrate Court I, Chidambaram, 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 M.C.No.1 of 2019 is pending for trial. At this stage, the petitioners herein who are the in-laws of the respondent pray to quash the proceedings in M.C.1 of 2019.

3. Heard Mr.A.Mohamed Ismail, learned counsel for the petitioners. Though notice served to the respondent, none appeared either in person or through counsel.

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 M.C.No.1 of 2019, on the file of the Judicial Magistrate Court I, Chidambaram, 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 M.C.No.1 of 2019, on the file of the Judicial Magistrate Court I, Chidambaram, 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 Court by an order dated 13.02.2019 has dismissed this petition. However, since the impugned proceedings in M.C.No.1 of 2019 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 petitions are closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

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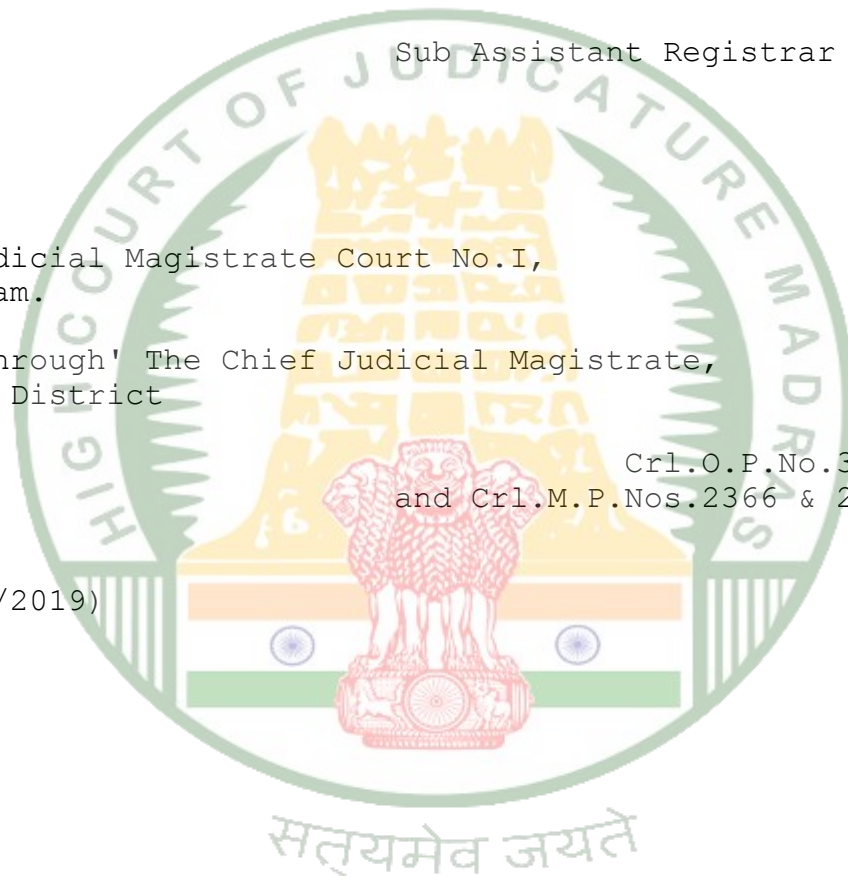
To

1. The Judicial Magistrate Court No.I,
Chidambaram.

2. -do- Through' The Chief Judicial Magistrate,
Cuddalore District

Crl.O.P.No.3845 of 2019
and Crl.M.P.Nos.2366 & 2368 of 2019

EV(CO)
GMY(24/05/2019)



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