

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.5668 of 2019

and Crl.MP.Nos.3229 and 3230 of 2019

1. S. Nedunchezian

2. Bhagyavathy

... Petitioners

Vs.

M. Logeswari

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to DVC. No. 119 of 2018 on the file of the Additional Mahila Court, Egmore, Chennai and to quash the same.

For Petitioners: M/s.Adhinarayana Rao

For Respondent : M/s.Revathy Dhamodharan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in DVC. No. 119 of 2018 filed by the respondent pending on the file of the Additional Mahila Court, Egmore, Chennai.

2. The first petitioner is the husband of the respondent herein and the 2nd petitioner is the in-laws of the respondent and the marriage between the first petitioner and the respondent was solemnized on 09.06.2014. Thereafter, due to matrimonial disputes the first petitioner and the respondent were living separately from the matrimonial home. Under this circumstance, the respondent herein filed a petition DVC. No. 119 of 2018 on the file of the Additional Mahila Court, Egmore, Chennai and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said DVC. No. 119 of 2018 is pending for trial. At this stage, the petitioners herein who are the husband and in-laws of the respondent prayed to quash the proceedings in DVC. No. 119 of 2018.

3. Heard both sides and perused the materials available on record.

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 the first petitioner who is already a party in that case. The 2nd petitioner herein is only a 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 the 2nd petitioner / in-law, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the 2nd petitioner 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 these 2nd petitioner. In the absence of the same, the proceedings as against the 2nd petitioner cannot be maintained and consequently, the 2nd petitioner 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 DVC. No. 119 of 2018, on the file of the Additional Mahila Court, Egmore, Chennai, insofar as the 2nd petitioner is concerned, on condition that, she shall ensure that the first petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before 5th of every English Calendar month to the credit of DVC. No. 119 of 2018, on the file of the Additional Mahila Court, Egmore, Chennai, 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 the first petitioner is concerned, since the impugned proceedings in DVC. No. 119 of 2018 is pending from the year 2018 onwards, it would be appropriate for this Court 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 first petitioner 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 view of the above, the proceedings in DVC. No. 119 of 2018 is quashed insofar as the 2nd petitioner and not quashed

insofar as the first petitioner is concerned. In the result, this Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

The Additional Mahila Court,
Egmore, Chennai

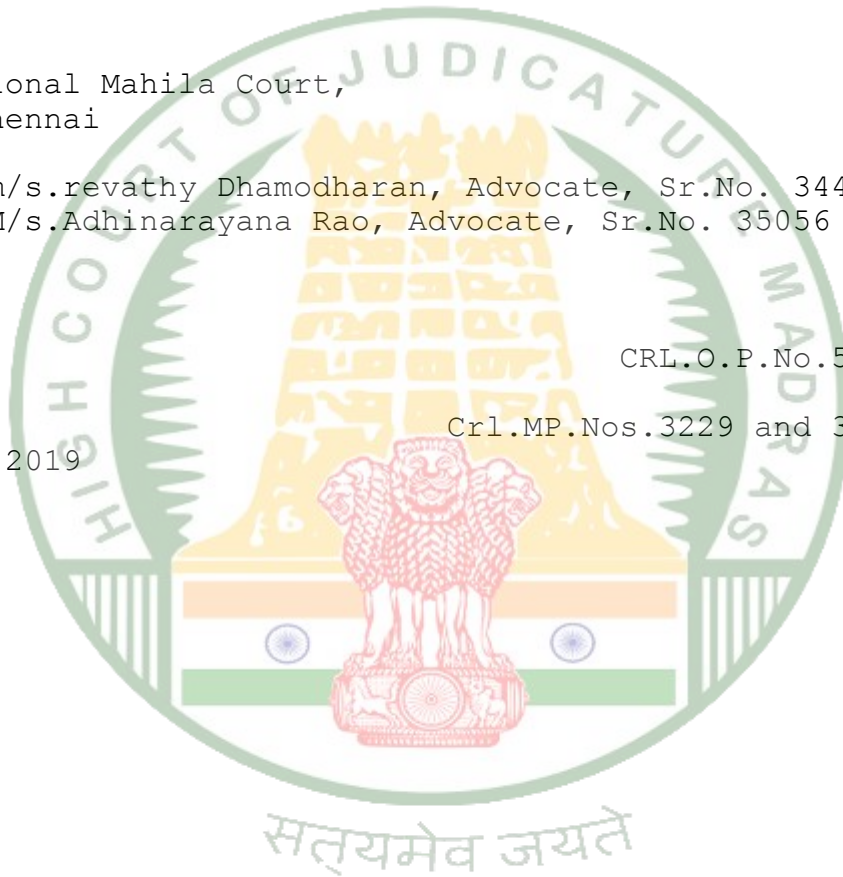
+1 cc to m/s.revathy Dhamodharan, Advocate, Sr.No. 34403

+1 cc to M/s.Adhinarayana Rao, Advocate, Sr.No. 35056

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CSL/10.06.2019



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