

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM:

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

CRL.O.P.No.7809 of 2019

and CRL.M.P.No.6260 of 2019

1.V.Shanmugapriya

2.K.Muthusingam ... Petitioner/Respondents 4 & 5

Vs.

1.V.Iswarya Soubha ... 1st Respondent/Petitioner

2.V.Sivasaravana Pandian

3.A.Velusamy

4.V.Mahamayee ...2 to 4 Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records and quash the complaint in D.V.No.19 of 2018 pending before the XVIII Metropolitan Magistrate Court at Saidapet, Chennai - 600 015.

For Petitioners : Mr.Sudharshana Sunder

For Respondents : Mr.C.Balaji, for R1

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.No.19 of 2018, filed by the first respondent herein, pending on the file of the XVIII Metropolitan Magistrate Court at Saidapet, Chennai - 600 015.

2.The petitioners are in-laws of the first respondent and the marriage between A1/V.Sivasaravana Pandian and the respondent Viz., Iswarya was solemnized on 14.09.2016. Thereafter, due to matrimonial disputes, the first respondent and her husband were living separately from the matrimonial home. Under this circumstance, the first respondent herein

filed a petition under Domestic Violence Act in D.V.No.19 of 2018 on the file of the XVIII Metropolitan Magistrate Court at Saidapet, Chennai - 600 015 and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.19 of 2018 is pending for trial. At this stage, the petitioners herein who are the in-laws of the first respondent pray to quash the proceedings in D.V.C.No.19 of 2018.

3.Heard Mr.Sudharshana Sunder, learned counsel for the petitioners and Mr.C.Balaji, learned counsel for the first respondent.

4.It is seen that the relief sought for by the first 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. The petitioners herein are only in-laws of the first respondent and they are living separately. As such, the protection order sought for by the first respondent herein in the domestic violence case against this 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 against the first 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 petitioners. In the absence of the same, the proceedings as against these petitioners cannot be maintained and consequently, the 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 DV.No.19 of 2018, on the file of the XVIII Metropolitan Magistrate Court at Saidapet, Chennai - 600 015, insofar as these petitioners are concerned, on condition that, they shall ensure that the A1/husband of the respondent shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before 5th of every English Calendar month to the credit of DV.No.19 of 2018, on the file of the XVIII Metropolitan Magistrate Court at Saidapet, Chennai - 600 015, as ad-interim maintenance, without prejudice to both the parties, failing which this order shall stand automatically cancelled. On such deposit being made, the first respondent is entitled to withdraw the same.

6.Insofar as A1/husband of the respondent is concerned, since the impugned proceedings in DV.No.19 of 2018 is pending from the year 2018 onwards, 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. Al/husband of the first respondent is directed to appear before the trial Court on the next hearing date, failing which, the first respondent is at liberty to approach this Court.

7.In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

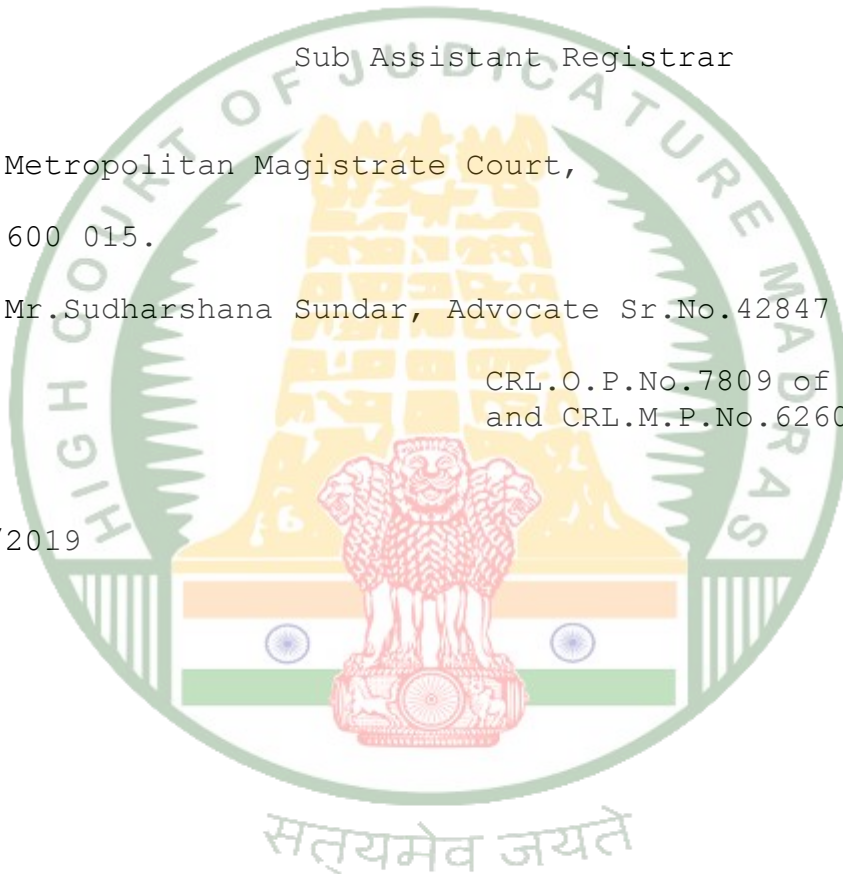
To
The XVIII Metropolitan Magistrate Court,
Saidapet,
Chennai - 600 015.

+ 1 cc to Mr.Sudharshana Sundar, Advocate Sr.No.42847

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SJ(CO)

RRI 08/06/2019



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