

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6529 of 2019
and Crl.M.P.No.3611 of 2019

1.Aamir Hussain (Dismissed vide order
dated 12.03.2019)

2.Fazila Hussain

3.Ahmed Hussain

... Petitioners

Vs.

Sana Siddiqua

... Respondent

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records of the case in D.V.C.No.83 of
2018 on the file of 18th Metropolitan Magistrate Court, Saidapet,
Chennai 600 015 and quash the same.

For Petitioners : Mr.C.Mohanakrishnan

For Respondent : Mr.P.B.Suresh Babu

ORDER

This petition has been filed to call for the records of the
case in D.V.C.No.83 of 2018 on the file of 18th Metropolitan
Magistrate Court, Saidapet, Chennai 600 015 and quash the same.

2.The petitioners are in-laws and the marriage between Aamir
Hussain/1st petitioner and Sana Siddiqua/respondent was
solemnized on 20.05.2017. Thereafter, due to matrimonial
disputes the respondent and her husband were living separately
from the matrimonial home. Under these circumstances, the
respondent herein filed a petition under Domestic Violence Act
in D.V.C.No.83 of 2018 on the file of the 18th Metropolitan
Magistrate Court, Saidapet, Chennai 600 015, and implicated the
petitioners and her husband as parties to the petition and

sought action as against them under Domestic Violence Act. The said D.V.C.No.83 of 2018 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.83 of 2018.

3. Heard the learned counsel for the petitioners and the learned counsel 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. 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 2 and 3/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 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 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 DVC.No.83 of 2018, on the file of the 18th Metropolitan Magistrate Court, Saidapet, Chennai 600 015, insofar as petitioners 2 and 3 are allowed, on condition that, they shall ensure that 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 DVC.No.83 of 2018, on the file of the 18th Metropolitan Magistrate Court, 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 respondent is entitled to withdraw the same.

6. Insofar as the respondent is concerned, since the impugned proceedings in DVC.No.83 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. 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

rna

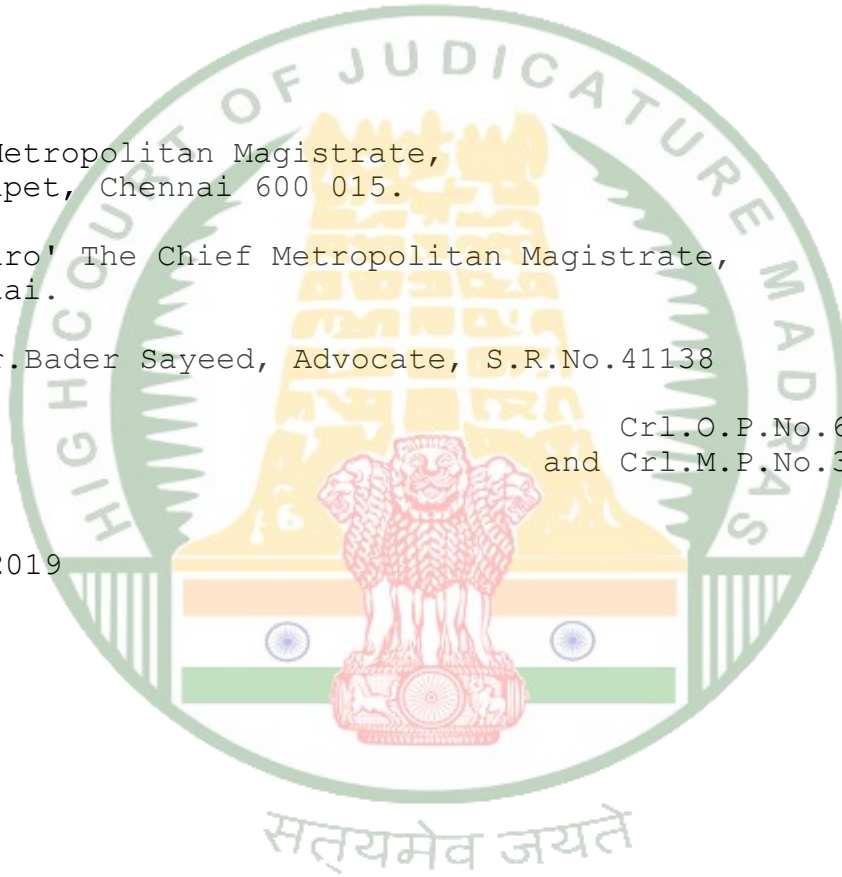
To

1. The Metropolitan Magistrate,
Saidapet, Chennai 600 015.
2. Do Thro' The Chief Metropolitan Magistrate,
Chennai.

+2cc to Mr.Bader Sayeed, Advocate, S.R.No.41138

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KK(CO)
CS/24/05/2019



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