

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.22150 of 2018
and Crl.M.P.Nos.12210 & 12211 of 2018

1.Pandurangan

2.Mrs.Manimegalai

3.Mrs.Kayalvizhi Petitioners/Accused 2-4

Vs.

J.Jothilakshmi Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to D.V.C.O.P.No.3 of 2018 on the file the Judicial Magistrate Court, Sirkali, Nagapattinam District, and the same in so far as against the Accused No.2 to 4 therein.

For Petitioners : Mr.P.Rajalingam

ORDER

This petition has been filed to quash the Domestic Violence Complaint given by the respondent herein in D.V.C.O.P.No.3 of 2018, on the file of the learned Judicial Magistrate Court, Sirkali, Nagapattinam District.

2.The petitioners are in-laws of the respondent and the marriage between A1/P.Babu and the respondent Viz., J.Jothilakshmi was solemnized on 12.09.2012. 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.C.O.P.No.3 of 2018, on the file of the learned Judicial Magistrate Court, Sirkali, Nagapattinam District and implicated her husband and the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.C.O.P.No.3 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.O.P.No.3 of 2018.

3.Heard, the learned counsel for the petitioners.

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/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 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 D.V.C.O.P.No.3 of 2018, on the file of the learned Judicial Magistrate Court, Sirkali, Nagapattinam District, insofar as these petitioners are concerned. Insofar as, A1/husband of the respondent is concerned, since the impugned proceedings in D.V.C.O.P.No.3 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 six months from the date of receipt of copy of this order. A1/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.In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pam

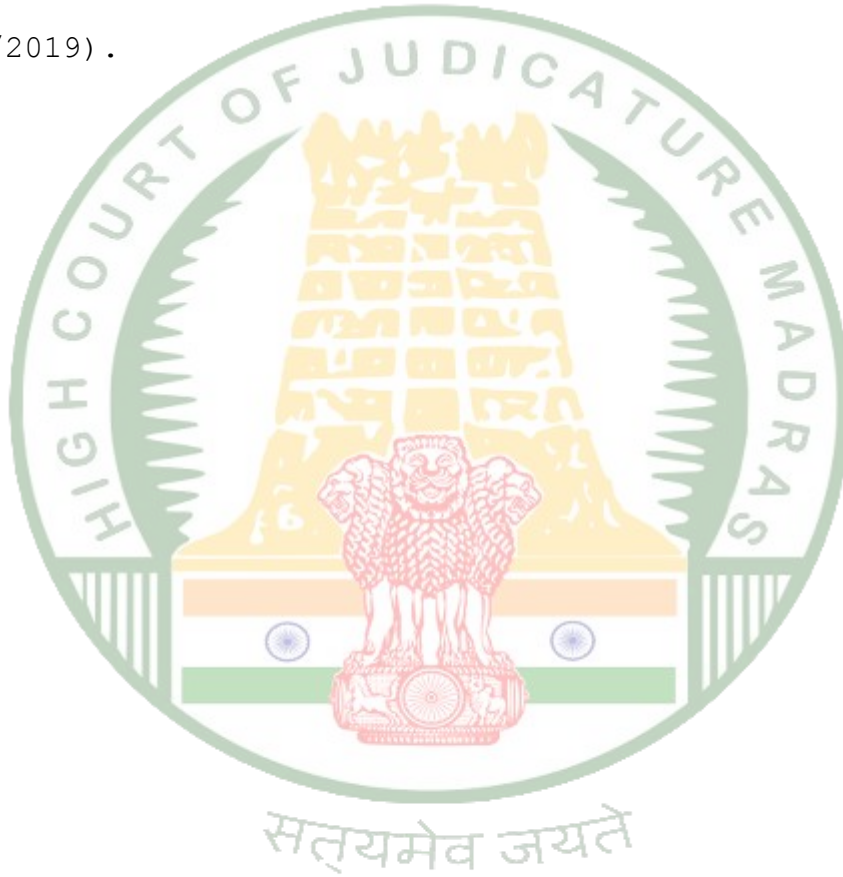
To

The Judicial Magistrate Court,
Sirkali, Nagapattinam District

+2 ccs to M/s.P.Rajalingam, Advocate, S.R.No.23968

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and Crl.M.P.Nos.12210 & 12211 of 2018

RR(CO)
SSM(15/04/2019).



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