

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No.3731 of 2014
and CRL.M.P.Nos.1 & 2 of 2014

1.V.Santhanam
2.Rajalakshmi @ C.Rajeswari ... Petitioners

Vs.

1.R.Radha
2.Minor R.Krithika ... Respondents
Rep.By her natural Guardian
of Mother R.Radha

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the M.P.No.4564 of 2013 pending on the file of the Metropolitan Magistrate-XVII, Saidapet, Chennai and quash the same.

For Petitioners : Mr.C.Sundaresan
For Respondents : Mrs.Revathi G.Mohan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in M.P.No.4564 of 2013, filed by the respondents herein, pending on the file of the learned Metropolitan Magistrate-XVII, Saidapet, Chennai, under the Domestic Violence Act, 2005.

2. The petitioners are in-laws of the first respondent and the marriage between A1/Ramachandran and the first respondent Viz., Radha was solemnized on 25.06.1992. 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 M.P.No.4564 of 2013 on the file of the learned Metropolitan Magistrate-XVII, Saidapet, Chennai, and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said M.P.No.4564 of 2013 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 M.P.No.4564 of 2013.

3. Heard Mr.C.Sundaresen, learned counsel for the petitioners and Mrs. Revathi G. Mohan, learned counsel appearing for the respondents.

4. It is seen that the relief sought for by the respondents 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 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 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 M.P.No.4564 of 2013 on the file of the learned Metropolitan Magistrate-XVII, Saidapet, Chennai, 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 M.P.No.4564 of 2013 on the file of the learned Metropolitan Magistrate-XVII, Saidapet, 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 respondents are entitled to withdraw the same.

6. Insofar as A1/husband of the respondent is concerned, since the impugned proceedings in M.P.No.4564 of 2013 is pending from the year 2013 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 respondents are at liberty to approach this Court.

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

Sd/-
Assistant Registrar (CS)

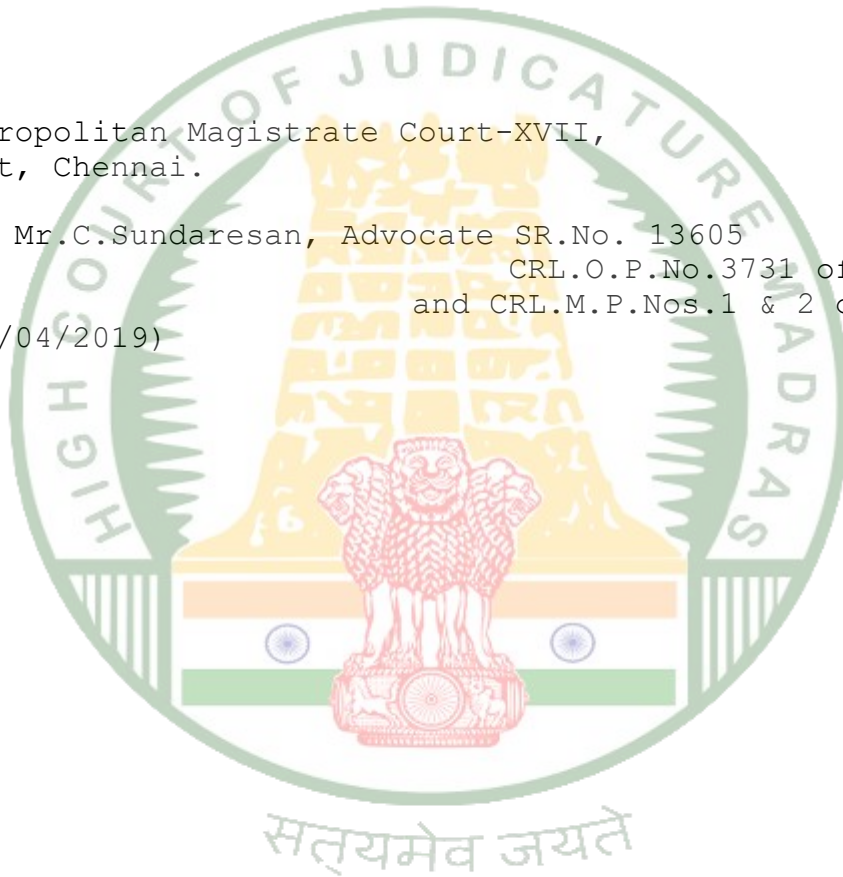
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Sub Assistant Registrar

rts
To

The Metropolitan Magistrate Court-XVII,
Saidapet, Chennai.

+1cc to Mr.C.Sundaresan, Advocate SR.No. 13605
CRL.O.P.No.3731 of 2019
and CRL.M.P.Nos.1 & 2 of 2014
A.SK(05/04/2019)



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