IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM:

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

CRL.O.P.No.16044 of 2014
and M.P.Nos.1 & 2 of 2014

1.Prithvirajan

2.Rethinam

3.Anandhavalli

4.E.Komala

5.Vijayakumari

6.Nageswari ... Petitioners/Respondents

Vs.

Kanimozhi ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the complaint in M.C.No.17 of 2014 on the file of the learned Judicial Magistrate No.II, Mannargudi and quash the same.

For Petitioners: Mr.A.V.Arun

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in M.C.No.17 of 2014, filed by the respondent herein, pending on the file of the Judicial Magistrate No.II, Mannargudi.

2. The first petitioner is the husband of the respondent herein and the petitioners 2 to 6 are in-laws of the respondent and the marriage between the first petitioner and the respondent was solemnized on 25.02.2002. Thereafter, due to matrimonial disputes the first petitioner and the respondent were living separately from the matrimonial home. Under this circumstance,

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the respondent herein filed a petition M.C.No.17 of 2014 on the file of the Judicial Magistrate No.II, Mannargudi and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said M.C.No.17 of 2014 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 M.C.No.17 of 2014.

3. Heard Mr.A.V.Arun, 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 the first petitioner who is already a party in that case. The petitioners 2 to 6 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 to 6 / in-laws, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners 2 to 6 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 2 to 6. In the absence of the same, the proceedings as against the petitioners 2 to 6 cannot be maintained and consequently, the petitioners 2 to 6 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.C.No.17 of 2014, on the file of the Judicial Magistrate Court No.II, Mannargudi, insofar as the petitioners 2 to 6 are concerned, on condition that, they 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 M.C.No.17 of 2014, on the file of the Judicial Magistrate Court No.II, Mannargudi, 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 M.C.No.17 of 2014 is pending from the year 2014 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.

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7. In view of the above, the proceedings in M.C.No.17 of 2014 is quashed insofar as the petitioners 2 to 6 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.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To
1.The Judicial Magistrate No.II,
Mannargudi

2.The Public Prosecutor,
High Court, Madras

CRL.O.P.No.16044 of 2014
and M.P.Nos.1 & 2 of 2014

VBA(CO)
SP(25/03/2019)

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