IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.02.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. No.17700 of 2014
and
Crl.M.P. Nos. 1 & 2 of 2014

1.K.R.Saravan Kumar
2.K.B.Rajamani
3.Malathi Rajamani
4.Meera ... Petitioners/Respondents 1 to 4

Vs.

N.Vanaja ... Respondent/Aggrieved Person

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pending in D.V.M.C. No. 4 of 2013, on the file of the Hon'ble Judicial Magistrate Court, Coonoor, The Nilgiris, quash the same.

For Petitioners: M/s.Lenin and Bhagya
For Respondent : Mr.M.Damodaran

ORDER

This Criminal Original Petition has been filed to call for the records pending in D.V.M.C. No. 4 of 2013, on the file of the Hon'ble Judicial Magistrate Court, Coonoor, The Nilgiris.

2. The petitioners are the husband and the in-laws of the respondent and the marriage between A1/K.R.Saravan Kumar and the respondent Viz.,N.Vanaja was solemnized on 14.09.2008. 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.M.C. No.4 of 2013 on the file of the Judicial Magistrate Court, Coonoor and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.M.C.No.4 of 2013 is pending for trial. At this stage, the petitioners herein who are the husband and in-laws of the respondent pray to quash the proceedings in D.V.M.C.No.4 of 2013.

3. Heard M/s.Lenin and Bhagya, learned counsel for the petitioners and Mr.M.Damodaran, learned counsel appearing for the respondent.

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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 2 to 4 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 petitioners 2 to 4/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 4 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 2 to 4. In the absence of the same, the proceedings as against petitioners 2 to 4 cannot be maintained and consequently, the petitioners 2 to 4 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 DVMC.No.4 of 2013, on the file of the Judicial Magistrate Court, Coonoor, insofar as first petitioner is dismissed, petitioners 2 to 4 are allowed, 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 DVMC.No.4 of 2013, on the file of the Judicial Magistrate Court, Coonoor, as ad-interim maintenance, without prejudice to both the parties, failing which this order shall sand automatically cancelled. On such deposit being made, the respondent is entitled to withdraw the same.

6. Insofar as A1/husband of the respondent is concerned, since the impugned proceedings in DVMC.No.4 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 three 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.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pds/lok

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To

Judicial Magistrate Court
Coonoor, The Nilgiris.

+1cc to Mr.N.Damodaran, Advocate, S.R.No.19202

Crl.O.P. No.17700 of 2014
and
Crl.M.P. Nos. 1 & 2 of 2014

KJ(CO)

RRS(02/05/2019)

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