

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CRL.O.P.NO.18927 OF 2019

AND

CRL.M.P.NOS.9638, 9639 & 11447 OF 2019

1.Venkata Subbamma
2.T.Vijaya

...Petitioners

Vs.

T.Sridevi

...Respondent

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in D.V.No.14 of 2017, on the file of the Judicial Magistrate Court No.11, Poonamallee, quash the same with respect to the petitioners.

For Petitioner : Mr.M.L.Ramesh

For Respondent : Ms.Srikaviya
for Mrs.AL.Ganthimathi

O R D E R

The respondent herein is the wife of one T.Chandrasekar who has been arrayed as the first accused in the impugned proceedings initiated under the Domestic Violence Act. The petitioners herein are the mother-in-law and sister-in-law of the respondent. The reliefs sought for in the proceedings under the Domestic Violence Act are hereunder:

Permanent Reliefs sought for under Sections 19, 20 and 22 of the Act:

i) Restraining respondents from alienating or encumbering the schedule-B, C and D mentioned properties.

ii) Directing the 1st respondent to secure the same level of alternative accommodation to the applicant as enjoyed by her in shared house hold or to pay monthly rent of Rs.15,000/-

iii) Directing the respondents to return the articles of gold ornaments mentioned schedule -A property.

iv) Directing the 1st respondent to pay a sum of Rs.40,00,000/- to the petitioner towards compensation of loss and damages.

v) Direct the 1st respondent to pay a sum of Rs.1,00,00,000/- (Rupees Once Crore) towards permanent alimony.

vi) Directing the 3rd respondent to handover the original title deeds and parents deeds registered as Documents Nos. (1).3750/2007, (2). 4100/2007, (3).5187/2007 (4).5180/2007 all documents dated 22.07.2007 SROJoint -II, Chengelpet, to the petitioner on the file of SRO including original agreement of sale.

vii) Prohibiting the 1st respondent from changing the nominee in LIC policies mentioned in Schedule "E".

viii) Directing the respondent to pay property tax Rs.3,00,000/- in respect of Schedule "B" Properties.

ix) Direct the 1st respondent to settle housing loan No.29890600000 to Bank of Baroda, Valasaravakkam Branch, Chennai.

2 On a perusal of the permanent reliefs sought for under Sections 19, 20 and 22 of the Domestic Violence Act, it is seen that the reliefs could be maintained as against the respondent/husband and father-in-law and no relief has been claimed as against the petitioners herein who are the mother-in-law and sister-in-law of the respondent.

3 Learned counsel for the petitioners submit that as against the impugned proceedings, the husband and the father-in-law have not challenged the same before this Court and that these petitioners have been unnecessarily implicated in those proceedings.

4 Learned counsel for the respondent, on the other hand, would oppose such submission stating that the respondent herein had categorically stated the various acts of Domestic Violence caused by the petitioners herein.

5 In my view, unless and until any protection orders are sought for by the aggrieved party, any amount of allegations made in the complaint may not be relevant, as the same does not correlate to the relief sought for by the respondent/husband in the Domestic Violence case. This Court is of the opinion that

the petitioners herein should not be made to undergo ordeal of these proceedings, when ultimately no relief can be directed against them. If at all the petitioners are aggrieved by any of the actions by the respondent, it is always open to them to workout the remedies in accordance with law.

6 In the light of the above observations, this Court is of the affirmed view that the proceedings as against the petitioners herein/respondent 4 and 5 in the Domestic Violence case, cannot be sustained in the absence of any particular relief as against them in those proceedings. Accordingly, the proceedings in D.V.No.14 of 2017, on the file of the learned Judicial Magistrate No-II, Poonamallee, shall stand quashed as against the petitioners herein. It is made clear that the proceedings as against the other respondents in the Domestic Violence case shall continue before the learned Judicial Magistrate No-II, Poonamallee, and the learned Judicial Magistrate No-II, shall complete the case and dispose of the Domestic Violence case as expeditiously as possible.

7 The Criminal Original Petition stands allowed to the extent indicated above. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

sbn/klt

To

The Judicial Magistrate No.II,
Poonamallee.

+1cc to Mrs.AL.Ganthimathi, Advocate, S.R.No.83499
+1cc to Mr.M.L.Ramesh, Advocate, S.R.No.83565

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MR(CO)
CS/31/10/2019