

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.22790 of 2017
and
Crl.M.P.Nos.13291 & 13292 of 2017

1.A.Shantha Kumari
2.A.Subbaraya Chetty
3.K.S.Yamuna ... Petitioners

Vs.

Pallavi Koduri ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to quash the Domestic Violence Complaint given by the respondent herein in M.P.No.4673 of 2013 (now renumbered as DVC No.102 of 2017) on the file of the XVII Metropolitan Magistrate Court, at Saidapet, Chennai

For Petitioners : Mr.R.Thiagarajan

For Respondent : Mr.Mohammed Amjad

ORDER

This petition has been filed to quash the Domestic Violence Complaint given by the respondent herein in M.P.No.4673 of 2013 (now renumbered as DVC No.102 of 2017) on the file of the XVII Metropolitan Magistrate Court, at Saidapet, Chennai.

2. The petitioners are in-laws of the respondent and the marriage between Al/Saravana Ammapalli and the respondent Viz., Pallavi Koduri was solemnized on 16.04.2008. 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 M.P.No.4673 of 2013 (now renumbered as DVC. No.102 of 2017 on the file of the learned XVII Metropolitan Magistrate Court, Saidapet 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.No.102 of 2017 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.No.102 of 2017.

3. Heard Mr.R.Thiagarajan, the learned counsel for the petitioners and Mr.Mohammed Amhad, the learned counsel appearing for the respondent.

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 DVC.No.102 of 2017, on the file of the learned XVII Metropolitan Magistrate Court at Saidapet, insofar as these petitioners are concerned. Insofar as A1/husband of the respondent is concerned, since the impugned proceedings in DVC.No.102 of 2017 is pending from the year 2017 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

//True Copy//

lok
To

Sub Assistant Registrar

The learned XVII Metropolitan Magistrate,
Saidapet, Chennai

+2 ccs to Mr.Mohammed Amjad, Advocate, S.R.No.10713

SSV(CO)
SSM(26/03/2019).

CrI.O.P.No.22790 of 2017
and CrI.M.P.Nos.13291 & 13292 of 2017