

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.23941 of 2017
and Crl.M.P.Nos.13868 & 13869 of 2017

1.Mrs.C.Pushpa

2.Mr.R.ChellakannuPetitioners

Vs.

1.Mrs.P.Saranya

2.S.Harshika, Minor

Rep by Mother and natural GuardianRespondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the complaint against the petitioners in D.V.C.No.3/2017 now pending before the Learned Hon'ble Additional Mahila Judge (Magistrate level) at Chengalpattu.

For Petitioners : Mr.M.Venkadesh Kumar
For Respondents : No appearance

ORDER

This petition has been filed to quash the Domestic Violence Complaint given by the respondent herein in D.V.C.No.3 of 2017, on the file of the learned Additional Mahila Judge (Magistrate level) at Chengalpattu.

2.The petitioners are in-laws of the respondent and the marriage between A1/Mr.V.Senthilkumar and the respondent Viz., P.Saranya was solemnized on 09.02.2014. 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.C.No.3 of 2017, on the file of the learned Additional Mahila Judge (Magistrate level) at Chengalpattu 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.3 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.3 of 2017.

3.Heard, the 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 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.3 of 2017, on the file of the learned Additional Mahila Judge (Magistrate level) at Chengalpattu, insofar

as these petitioners are concerned. Insofar as, A1/husband of the respondent is concerned, since the impugned proceedings in DVC.No.3 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.

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Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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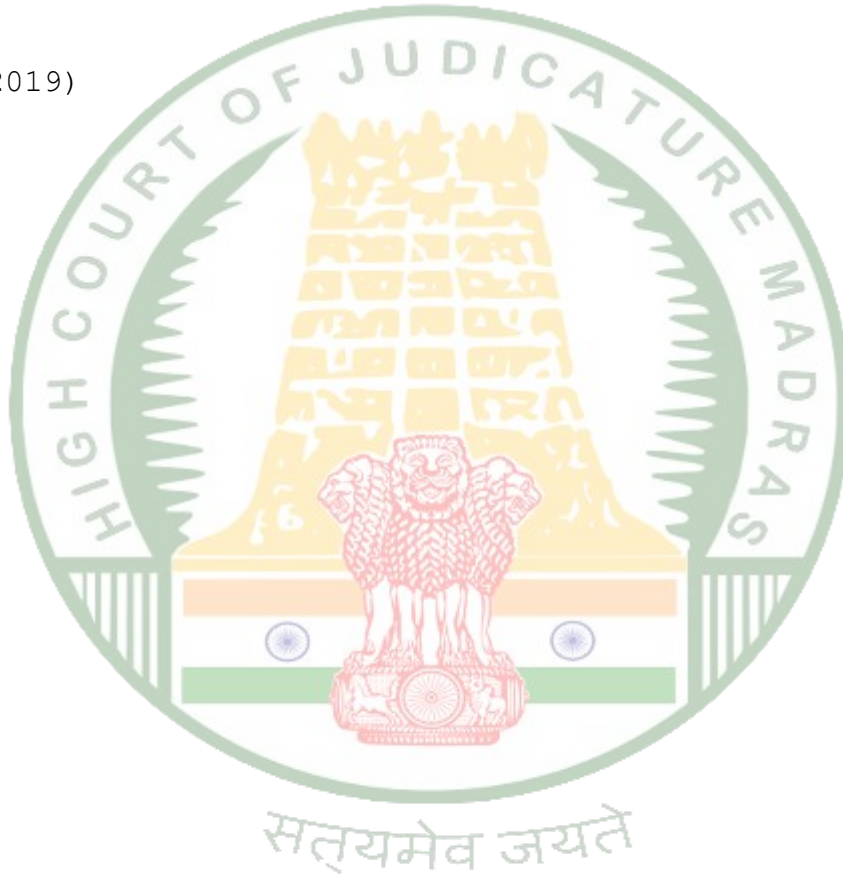
To

The Additional Mahila Judge
(Magistrate level) at Chengalpattu

+1cc to Mr.M.Venkatesh Kumar, Advocate, S.R.No.21733

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BR (CO)
GN (03/04/2019)



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