

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.16778 of 2017

and

Crl.M.P.Nos.10308 & 16294 of 2017

1.M.Padmanaban,
2.P.Kalavathi,
3.P.Devi

...Petitioners/Respondent

Vs

1.R.Sujatha
2.P.Selvakumar,
3.The Protection Officer,
District Collectore of Chennai,
Singaravelar Building,
Rajaji Salai, Chennai.

...Respondents/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records on perusal quash the case in D.V.C.C.No.192 of 2017 [D.V.C.C.No.2861 of 2015] filed by the 1st respondent on the file of the Special Mahalir Metropolitan Magistrate Court, Egmore @ Allikulam devoid on merits.

For Petitioners: Mr.A.Thamizharasan

For R1 : Ms.M.Ezhilarasi

For R2 : No appearance

For R3 : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioners one and two are the father in law and mother in law of the first respondent herein and the third petitioner is her sister in law. The petitioners have been implicated in a Domestic Violence case, which is under challenge in the present Writ Petition.

2 The reliefs sought for in the Domestic Violence case are for protection orders under Sections 18, 19 and 20 of the

Domestic Violence Act. Insofar as these reliefs are concerned, the averments in the complaint may not constitute the acts of domestic violence, insofar as the third petitioner/sister in law of the first respondent is concerned. While that being the case, the protection orders under Section 18 as well as the other reliefs sought for under Section 19 and 20 cannot be maintained as against the third petitioner/sister in law of the first respondent herein.

3 The respondents have made certain averments as against the petitioners one and two, who are the father in law and mother in law of the first respondent herein. According to the learned counsel for the petitioners, such averments may not constitute acts of Domestic Violence.

4 Nevertheless, the learned counsel for the respondents herein submitted that the first respondent/husband, as well as the father in law and her mother in law have jointly committed certain acts, which cannot be concluded as an act of Domestic Violence.

5 In my view, such a decision can be taken after the matter is properly adjudicated by way of trial and it would be premature for this Court to render any finding on the basis of the submissions made by the respective counsel.

6 In the light of the above observations, the proceedings in D.V.C.C.No.192 of 2017 insofar as it relates to the third petitioner/sister-in-law namely P.Devi is concerned, is quashed. The learned Special Mahalir Metropolitan Magistrate, Egmore, shall endeavour to complete the proceedings in D.V.C.C.No.192 of 2017 [D.V.C.C.No.2861 of 2015] as expeditiously as possible, in any event, within a period of 3 months from the date of receipt of a copy of this order.

7 The Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsn/sbn

To

1. The Protection Officer,
District Collectorare of Chennai,
Singaravelar Building,
Rajaji Salai, Chennai.
2. The Public Prosecutor,
High Court of Madras.
3. The Special Mahalir Metropolitan Magistrate Court,
Egmore at Allikulam.

+1cc to Mr.E.Malarkodi, Advocate sr.89704

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nr 19/12/2019