IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.22917 of 2018
and Crl.M.P.Nos.12808 & 12809 of 2018

1.G.Krishnaveni

2.V.Kanimozhi

3.G.Balachander

4.B.Seetha ... Petitioners/2nd to 5th respondent

Vs.

A.Renuga ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records or D.V.C.No.8 of 2018 pending before the Judicial Magistrate III, Puducherry and quash the same against the Petitioners.

For Petitioners : Ms.Inthu Karunakaran

For Respondent : Mr.P.Veeraraghavan

ORDER

This petition has been filed to quash the Domestic Violence Complaint given by the respondent herein in D.V.C.O.P.No.8 of 2018, on the file of the learned Judicial Magistrate III at Puducherry.

2.The petitioners are in-laws of the respondent and the marriage between A1/Senthil Kumaresan and the respondent Viz., A.Renuga was solemnized on 08.06.2017. 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.O.P.No.8 of 2018, on the file of the learned Judicial Magistrate III at Puducherry and implicated her husband and the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said

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D.V.C.O.P.No.8 of 2018 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.O.P.No.8 of 2018.

3.Heard, the learned counsel for the petitioners and the learned counsel 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 D.V.C.O.P.No.8 of 2018, on the file of the learned Judicial Magistrate III at Puducherry, insofar as these petitioners are concerned. Insofar as, A1/husband of the respondent is concerned, since the impugned proceedings in D.V.C.O.P.No.8 of 2018 is pending from the year 2018 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(J)

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate III at
Puducherry.

+1cc to Ms.Inthu Karunakaran, Advocate Sr.25050[03/05/2019]

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srg 11/04/2019

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