

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.24428 of 2018
and CrI.M.P.Nos.13877 & 13880 of 2018

1. V.Radhakrishnan
2. Jothi Radhakrishnan
3. Rubavathi Srinivasan
4. P.Srinivasan
5. V.Santhi ... Petitioners/Accused 2 to 6

Vs.

Deepalakshmi ... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records pertaining to D.V.O.P.No.2 of 2018 on the file of the Judicial Magistrate-I, Thiruvannamalai District and quash the same.

For Petitioners : Mr.A.Selvendran

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed by the petitioners seeking to quash the D.V.O.P. No.2 of 2018 pending on the file of the learned Judicial Magistrate-I, Thiruvannamalai District.

2. The respondent police have registered a case FIR in Crime No.13 of 2017 as against the petitioners for the offences under Sections 498(A), 294(b), 506(i) and section 4 of the Dowry Prohibition Act, 1961.

3. The petitioners are in-laws of the respondent and the marriage between Al/Muralidharan and the respondent Viz., Deepalakshmi was solemnized on 06.03.2016. 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.O.P.No.02 of 2018 on the file of the Judicial Magistrate -I, Thiruvannamalai District and implicated the petitioners and her husband as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.O.P.No.02 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.O.P.No.02 of 2018.

4. Heard Mr.A.Selvendran, learned counsel appearing for the petitioners and the respondent name was printed but none appeared on behalf of the respondent.

5. 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 petitioners. In the absence of the same, the proceedings as against petitioners cannot be maintained and consequently, petitioners need not undergo the ordeal of facing a criminal trial.

6. In view of the above, this Court is inclined to quash the proceedings in D.V.O.P.No.02 of 2018, on the file of the Judicial Magistrate -I, Thiruvannamalai District, insofar as petitioners are allowed, on condition that, they shall ensure that the A1/husband of the respondent shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) per month on or before 5th of every English Calendar month to the credit of D.V.O.P.No.02 of 2018, on the file of the Judicial Magistrate-I, Thiruvannamalai District, as ad-interim maintenance, without prejudice to both the parties, failing which this order shall stand automatically cancelled. On such deposit being made, the respondent is entitled to withdraw the same.

7. Insofar as A1/husband of the respondent is concerned, since the impugned proceedings in D.V.O.P.No.02 of 2018 is pending from the year 2017 onwards, it would be appropriate to direct the trial Court to complete the trial within a period of three 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.

8. In the result, this Criminal Original Petition stands allowed. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Msm

To

1. The learned Judicial Magistrate - I,
Thiruvannamalai District.
2. The Public Prosecutor, High Court, Madras.

+1cc to Mr. A.Selvendran, Advocate, S.R.No. 41160

Crl.O.P.No.24428 of 2018
and Crl.M.P.Nos.13877 & 13880 of 2018

RJI (CO)
RMP (01/07/2019)

सत्यमेव जयते

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