



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.10.2019
CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

Crl.O.P(MD) No. 4843 of 2019
and Crl.M.P(MD) Nos.3006 and 3007 of 2019

1. K.Baskaran
2. Mala ... Petitioners

Vs.

Kalaivani ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to D.V.C.No.4 of 2019 on the file of the learned Judicial Magistrate, Bodinaickanur, Theni District and quash the same as against these petitioners.

For Petitioners : Mr.S.Muthalraj
For Respondent : Mr.R.Narayanan

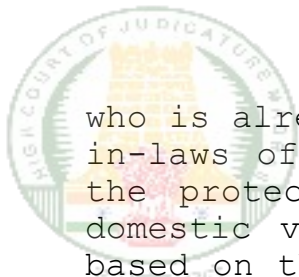
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.4 of 2019, filed by the respondent herein, pending on the file of the learned Judicial Magistrate, Bodinaickanur, Theni District.

2. The petitioners are in-laws of the respondent and the marriage between Al/**L.Sivabalan** and the respondent Viz.,**Kalaivani** was solemnized on **10.06.2012**. 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.4 of 2019 on the file of the learned Judicial Magistrate, Bodinaickanur, Theni District and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.C.No. 4 of 2019 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. 4 of 2019.

3. Heard Mr.S.Muthalraj learned counsel for the petitioners and Mr.R. Narayanan 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 D.V.C.No.4 of 2019 on the file of the learned Judicial Magistrate, Bodinaickanur, Theni District,

6. Insofar as A1/husband of the respondent is concerned, since the impugned proceedings in DVC.No. 4 of 2019 is pending , 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.

7. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Judicial Magistrate,
Bodinaickanur, Theni District

+1 CC to Mr.NA.PALANIYANDI, Advocate (SR-94089[F] dated 24/10/2019)

Crl.O.P(MD) No. 4843 of 2019
and Crl.M.P(MD) Nos.3006 and 3007 of 2019
23.10.2019

aav

MK (07.11.2019) 2P 3C