



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

CORAM:

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

CRL.O.P (MD) No. 5949 of 2019

and Crl.M.P. (MD) Nos. 3830 & 3831 of 2019

1. M. Pattu Chettiyar
2. P. Pattammal

... Petitioners/Respondent Nos.2 & 3
Vs.

V. Kirithiga

... Respondent/Petitioner

PRAYER: Criminal Original Petition filed Under Section 482 of Cr.P.C. to call for the records pertaining to the summons issued in D.V.O.P. No. **(*)21** of 2019 on the file of the Additional Mahila Court, Trichy and quash the same so far as the petitioners concerned.

For Petitioners : Mr.V. Illanchezian
For Respondent : Mr. B. Jameel Arasu

O R D E R

This Criminal Original Petition has been filed to quash the summons issued in DVOP No. **(*)21** of 2019, filed by the respondent herein, pending on the file of the learned Additional Mahila Court, Trichy.

2. The petitioners are in-laws of the respondent and the marriage between **A1/P.Vinoth** and the respondent Viz., **Kirithiga** was solemnized on **03.09.2017**. 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 matrimonial case in DVOP No. **(*)21** of 2019 on the file of the Additional Mahila Court, Trichy and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said DVOP No. **(*)21** 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 DVOP No. **(*)21** of 2019.

3. Perused the material documents available on record.

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 the first respondent/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 the 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 the petitioners. In the absence of the same, the proceedings as against the 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 DVOP No. **(*)21** of 2019, on the file of the learned Additional Mahila, Trichy, insofar as the petitioners concerned, 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) before 5th of every English Calendar month to the credit of DVOP No. **(*)21** of 2019, on the file of the learned Additional Mahila, Trichy, 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.

6. In view of the above, the trial Court is directed to complete the trial within a period of **Six(6)** 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 is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/

Assistant Registrar(CS-II)

(*)AMENDED AS PER ORDER OF THIS HON'BLE COURT

DATED 27/11/2019

/True copy/

Sub Assistant Registrar(CS)

ksa

To

TO BE SUBSTITUTED TO THE ORDER ALREADY DESPATCHED ON 15/10/2019

The Additional Mahila Court,
Trichy.

+1CC TO MR.B.JAMEEL ARASU, Advocate Sr. No.87192

+1CC TO MR.I.ILLANCHEZIAN, Advocate Sr. No. 86815

CRL.O.P (MD) No. 5949 of 2019

16.09.2019

GKG (CO)

<https://hcservices.courts.gov.in/hcservices/> TP(10.10.2019) 2P 4C

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