



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 13.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD)No.18705 of 2019

WEB COPY

and

Crl.M.P.(MD)Nos.10980 & 10983 of 2019

1. Pushpaleela  
2. Shanmugapriya ...Petitioners/R-2 & R-3

-Vs-

1. Viswapriya  
2. Minor Kavinko  
3. Minor Tharaniko ... Respondents/Petitioners  
(Minors are represented through her mother/guardian i.e., the 1<sup>st</sup> respondent herein.)

**Prayer:** Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the case in DVOP No.4 of 2018 on the file of the learned Judicial Magistrate No.I, Dindigul and quash the same as illegal in so far as these petitioners are concerned.

For Petitioners

: Mr.S. Sukumar

**O R D E R**

This Criminal Original Petition has been filed to quash the proceedings in DVOP No.4 of 2018 pending on the file of the learned Judicial Magistrate No.I, Dindigul .

2.The petitioners are in-laws of the first respondent and the marriage between the A1/Sivakumar and the first respondent Viz., Viswapriya was solemnized on 23.06.2010. Under this circumstance, the first respondent herein filed a petition under Domestic Violence Act in DVOP No.4 of 2018 on the file of the learned Judicial Magistrate No.I, Dindigul and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said DVOP No.4 of 2018 is pending for trial. At this stage, the petitioners herein, who are the in-laws of the first respondent, pray to quash the proceedings in DVOP No.4 of 2018.

3.Heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. The learned counsel appearing for the petitioners would submit that the second petitioner at no point of time was living along with the first respondent and did not share the household and the allegations in respect of the second petitioner are concocted.



5.It is seen that the relief sought for by the first respondent in the domestic violence case with regard to residential rights, compensation, etc., can be made and claimed as against her husband/A1, who is already a party in that case. The first petitioner is mother-in-law and the second petitioner sister-in-law of the first respondent and the second respondent living separately. As such, the protection order sought for by the first respondent herein in the domestic violence case against the second petitioner /in-law, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the second petitioner 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 second petitioner. In the absence of the same, the proceedings as against the second petitioner cannot be maintained and consequently, the second respondent 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 DVOP No.4 of 2018 on the file of the learned Judicial Magistrate No.I, Dindigul insofar as the second petitioner is concerned and insofar as the first petitioner/in-law of the first respondent is concerned, this Petition is dismissed. The first petitioner/in-law 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 partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Judicial Magistrate No.I,  
Dindigul.

+1 CC to MR.S.SUKUMAR, Advocate ( SR-105428[F] dated 17/12/2019 )

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