



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2019

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CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) No.11606 of 2019

and

Crl.M.P. (MD) .Nos.7290 & 7291 of 2019

1.Govindaraj
2.Parimala
3.P.Sekar
4.Sivaraman

: Petitioners/Respondents 2 to 5

Versus

R.Suganthi

: Respondent/Petitioner

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the proceedings in D.V.C.No.20 of 2019, on the file of the Judicial Magistrate Court No.II, Karur and quash the same in so far as the petitioners are concerned by allowing this Criminal Original Petition.

For Petitioners : Mr.A.Manikandan
For Respondent : Mr.S.Deendhayalan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.20 of 2019, filed by the respondent herein, pending on the file of the Judicial Magistrate Court No.II, Karur.

2. The first and second petitioners are in-laws of the respondent and the third and fourth petitioners are uncles of the respondent's husband viz., Prathap. The marriage between **A1 / Prathap** and the respondent Viz., **R.Suganthi** was solemnized on **29.11.2017**. 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.No.20 of 2019, on the file of the learned Judicial Magistrate No.II, Karur 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.20 of 2019 is pending for trial. At this stage, the petitioners herein who are the in-laws of the respondent and uncles of the respondent's husband pray to quash the proceedings in D.V.C.No.20 of 2019.

3. Heard Mr.A.Manikandan, learned counsel for the petitioners and Mr.S.Deendhayalan, 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 1 and 2 herein are in-laws of the respondent and the petitioners 3 and 4 are uncles of the respondent's husband and they are living separately. As such, the protection order sought for by the respondent herein in the domestic violence case against these petitioners 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.20 of 2019, on the file of the Judicial Magistrate Court No.II, Karur, insofar as these petitioners are concerned, on condition that, they shall ensure that the **respondent's husband / A1** shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** before 5th of every English Calendar month to the credit of D.V.C.No.20 of 2019, on the file of the Judicial Magistrate Court No.II, Karur, 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. Insofar as A1/husband of the respondent is concerned, since the impugned proceedings in DVC.No.20 of 2019 is pending from the year 2019 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.

7. In the result, this Criminal Original Petition stands



allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

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// True Copy //

Sub Assistant Registrar (CS)

tsg

To

The Judicial Magistrate No.II, Karur.

+1 CC to M/s.A.MANIKANDEN, Advocate (SR-85804[F] dated 09/09/2019)

Order made in
CrI.O.P. (MD) No.11606 of 2019
06.09.2019

KM/(24.09.2019) 3P 3C