



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

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

CRL.O.P. (MD)No.1780 of 2018

and CRL.M.P. (MD)Nos.776 & 777 of 2018

WEB COPY

1.A.D.J.Jeyadharmapandiyan
2.A.D.J.Jeyasarathy Pandiyan
3.Karthilaxmi

... Petitioners

Vs.

R.Chandralega

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records of the complaint in D.V.C.No.34 of 2017 on the file of the Judicial Magistrate No.I, Thoothukudi and quash the same by allowing the Criminal Original Petition.

For Petitioners : Mr.R.Murugan
For Respondent : Mr.N.Ramesh Arumugam

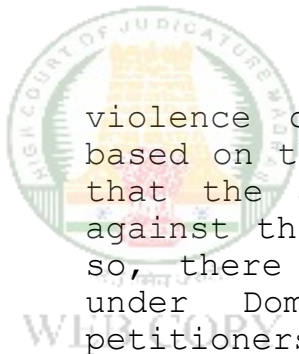
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.34 of 2017, filed by the respondent herein, pending on the file of the Judicial Magistrate No.I, Thoothukudi.

2. The second and third petitioners are in-laws of the respondent and the marriage between the first petitioner and the respondent Viz.,R.Chandralega was solemnized on 02.12.2010. Thereafter, due to matrimonial disputes the respondent and the first petitioner 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.34 of 2017 on the file of the Judicial Magistrate No.I, Thoothukudi and implicated the second and third petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.C.No.34 of 2017 is pending for trial. At this stage, the petitioners herein pray to quash the proceedings in D.V.C.No.34 of 2017.

3. Heard Mr.R.Murugan, learned counsel for the petitioners and Mr.N.Ramesh Arumugam, 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/first petitioner herein, who is already a party in that case. The second and third 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 second and third 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 second and third petitioners. In the absence of the same, the proceedings as against the second and third petitioners cannot be maintained and consequently, the second and third 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.34 of 2017, on the file of the Judicial Magistrate No.I, Thoothukudi, insofar as the second and third petitioners are concerned, on condition that, they shall ensure that the first petitioner / 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 D.V.C.No.34 of 2017, on the file of the Judicial Magistrate No.I, Thoothukudi, 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. This Criminal Original Petition is dismissed, Insofar as the first petitioner / husband of the respondent is concerned. Since the impugned proceedings in D.V.C.No.34 of 2017 is pending from the year 2017 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. The first petitioner / 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 partly-allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Judicial Magistrate No.I, Thoothukudi.

CRL.O.P. (MD)No.1780 of 2018
05.09.2019

CS(19.09.2019) 2P 2C

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