



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.3417 of 2018

and

Crl.M.P.(MD)No.1606 and 1607 of 2018

Susila Rani

... Petitioner/5th Respondent

-Vs-

Arumai Ammal Porselvi

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the case in D.V.O.P.No.4 of 2015 on the file of the learned Judicial Magistrate Court, Nanguneri, Tirunelveli District, which was filed against the petitioner and quash the same as illegal in respect of the petitioner.

For Petitioners : Mr.V.Rajiv Rufus

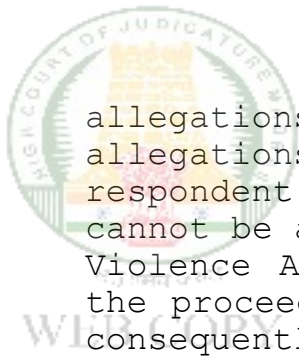
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.O.P.No.4 of 2015, on the file of the learned Judicial Magistrate Court, Nanguneri, Tirunelveli District.

2.The petitioner is mother-in-law of the respondent and the marriage between A1 and the respondent was solemnized on 04.01.2011. Thereafter, due to some misunderstanding the respondent and her husband were living separately from the matrimonial home. Under this circumstances, the respondent herein filed a petition under Domestic Violence Act in D.V.O.P. No.4 of 2015 on the file of the learned Judicial Magistrate, Nanguneri, Tirunelveli and implicated the petitioner, who is the mother of the first accused. The said D.V.C.No.4 of 2015 is pending for trial. At this stage, the petitioner herein, who is the mother-in-law of the respondent, prayed to quash the proceedings in D.V.C.No.4 of 2015.

3.Heard the learned counsel for the petitioner.

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 petitioner herein is mother-in-law of the respondent and she is living separately. As such, the protection order sought for by the respondent herein in the domestic violence case against this petitioner, based on the



allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the 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 this petitioner. In the absence of the same, the proceedings as against this petitioner cannot be maintained and consequently, the petitioner 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 2015 on the file of the learned Judicial Magistrate, Nanguneri, Tirunelveli District, insofar as this petitioner is concerned, on condition that, she 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 D.V.C. No.4 of 2015 on the file of the learned Judicial Magistrate, Nanguneri, Tirunelveli District 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 D.V.C.No.4 of 2015 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 (P&A)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate,
Nanguneri, Tirunelveli District.

2. The Section Officer,
Criminal Section, (2 copies)
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.3417 of 2018

+1 CC to Mr.V.RAJIV RUFUS, Advocate (SR-88058[F] dated 20/09/2019)

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(1/2)

das

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