



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.3810 of 2018

and

CrI.M.P.(MD) Nos.9452 and 9453 of 2018

1.Kingsly Charles  
2.Koilammal  
3.Mersirani  
4.Jebaraj  
5.Jemi Pramila  
6.Daniel Jebaraj

... Petitioners

Vs

Felcirani

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Domestic Violence O.P.No.60 of 2017 on the file of the Judicial Magistrate No.III, Tuticorin.

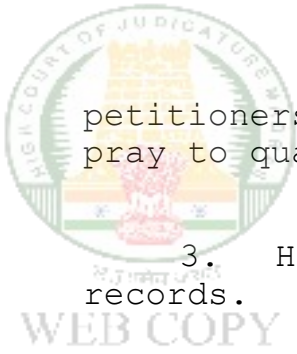
For Petitioners : Mr.Ka.Ramakrishnan

For Respondent : Mr.V.Sasikumar

### **ORDER**

This petition has been filed to quash the proceedings in Domestic Violence O.P.No.60 of 2017 on the file of the Judicial Magistrate No.III, Tuticorin.

2. The 1<sup>st</sup> petitioner is the husband of the respondent and the petitioners 2 to 6 are in-laws of the respondent and the marriage between A1/Kingsly Charles and the respondent Viz., Felcirani was solemnized on 18.11.2015. 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.A. No.60 of 2017 on the file of the Judicial Magistrate No.III, Tuticorin and implicated the petitioners 2 to 6 also as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.A. 60 of 2017 is pending for trial. At this stage, the



petitioners herein who are the husband and in-laws of the respondent pray to quash the said proceedings.

3. Heard both sides and perused the materials available on records.

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 also a party in that case. The petitioners 2 to 6 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 these petitioners 2 to 6/in-laws, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners 2 to 6 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 2 to 6 cannot be maintained and consequently, the petitioners 2 to 6 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 DVA.No.60 of 2017, on the file of the Judicial Magistrate Court No.IIII, Tuticorin insofar as the petitioners 2 to 6 are 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 5<sup>th</sup> of every English Calendar month to the credit of DVA.No.60 of 2017, on the file of the Judicial Magistrate Court No.III, Tuticorin, 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 the result, this Criminal Original Petition stands partly allowed and the proceedings in DVA.No.60 of 2017, on the file of the Judicial Magistrate Court No.IIII, Tuticorin insofar as the petitioners 2 to 6 are hereby quashed.

7. Insofar as A1/husband of the respondent is concerned, this petition is dismissed. Consequently, connected miscellaneous petitions are closed. Since the impugned proceedings in DVA.No.60 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 three months from the date of receipt of copy of this order. A1/husband of the respondent is directed to appear before the



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**CRL.O.P (MD) No.3810 of 2018**

trial Court on the next hearing date, failing which, the respondent is at liberty to approach this Court.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar (CS)

Arul

To

The Judicial Magistrate No.III, Tuticorin.

Order made in  
CRL.O.P (MD) No.3810 of 2018  
16.09.2019

JMN(30.09.2019) 3P : 2C