



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.3922 of 2018

and

CrI.M.P.(MD) No.1921 of 2018

1.Chandra  
2.Kuppammal

... Petitioners/Respondents 2&3

Vs

Nallamuthu

... Respondent/Petitioner

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records in D.V.O.P.No.4 of 2017 pending before the Judicial Magistrate, Paramakudi and quash the same.

For Petitioners : Mr.Karthick Subramanian

For Respondent : Mr.P.Saravanan

### O R D E R

This petition has been filed to quash the proceedings in D.V.O.P.No.4 of 2017 on the file of the Judicial Magistrate, Paramakudi as against the petitioners.

2. The petitioners are in-laws of the respondent and the marriage between Al/Late Malaichamy and the respondent Viz.,Nallamuthu was solemnized on 16.03.1989 and she begotten one male child. 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.4 of 2017 on the file of the Judicial Magistrate, Paramakudi and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.C.4 of 2017 is pending for trial. At this stage, the petitioners herein who are the 1<sup>st</sup> wife of the husband of the respondent and sister-in-law 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 died already. The 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 these 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 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 DVC.No.4 of 2017, on the file of the Judicial Magistrate, Paramakudi insofar as these petitioners are concerned. Accordingly, this Criminal Original Petition stands allowed and the proceedings in DVC.No.4 of 2017, on the file of the Judicial Magistrate, Paramakudi is quashed insofar as these petitioners are concerned. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

Arul

To

The Judicial Magistrate,  
Paramakudi.

+1 CC to M/s.S.KARTHICK SUBRAMANIAN, Advocate ( SR-88258[F] dated 20/09/2019 )

Order made in  
**CRL.O.P (MD) No.3922 of 2018**  
**18.09.2019**

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