



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.10.2019**

CORAM:

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.5801 of 2018

and

Crl.M.P. (MD)Nos.2786 and 5391 of 2018

- 1.Visalakshi
- 2.V.Alagammai
- 3.KR.L.Valliappan
- 4.Kottaiyur Nachachi @ Nachammai Achi

... Petitioners/Accused Nos.2 to 5

-Vs-

- 1.The State of Tamil Nadu,
Rep. by Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.

... 1st Respondent/Complainant

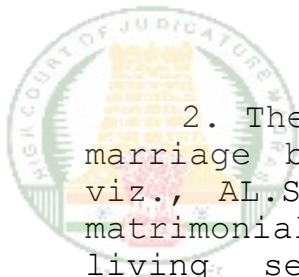
- 2.AL.Shanthi
- ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records and quash the complaint in D.V.O.P.No.8 of 2018 lodged by the 2nd respondent herein before the learned Judicial Magistrate, Karaikudi and allow the Criminal Original Petition.

For Petitioners	: M/s.AL.Ganthimathi
For R1	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl.side)
For R2	: T.Lajapathi Roy

O R D E R

This Criminal Original Petition has been filed to quash the complaint in D.V.O.P.No.8 of 2018 lodged by the second respondent herein before the learned Judicial Magistrate, Karaikudi as against the petitioners.



2. The petitioners are in-laws of the second respondent and the marriage between A1/V.Muthu Lakshmanan and the second respondent viz., AL.Shanthi was solemnized on 08.06.2017. Thereafter, due to matrimonial disputes the second respondent and her husband were living separately from the matrimonial home. Under this circumstance, the second respondent herein filed a petition under Domestic Violence Act, in D.V.O.P.No.8 of 2018 on the file of the learned Judicial Magistrate, Karaikudi and implicated the petitioners as parties to the petition and sought action as against them under Section 498(A), 406, 506(i) and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. The said D.V.O.P.No.8 of 2018 is pending for trial. At this stage, the petitioners herein, who are the in-laws of the second respondent, prays to quash the proceedings in D.V.O.P.No.8 of 2018.

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the first respondent and the learned counsel appearing for the second respondent.

4. It is seen that the relief sought for by the second 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 herein are in-laws of the second respondent and they are living separately. As such, the protection order sought for by the second 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 second 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.O.P.No.8 of 2018 on the file of the learned Judicial Magistrate, Karaikudi, insofar as these petitioners 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 5th of every English Calendar month to the credit of D.V.O.P.No.8 of 2018 on the file of the learned Judicial Magistrate, Karaikudi, as *ad-interim* maintenance, without prejudice to both the parties, failing which this order shall stand automatically cancelled. On such deposit being made, the second respondent is entitled to withdraw the same. A1/husband of the second respondent is directed to appear before the trial Court on the next hearing date, failing which, the second respondent is at liberty to approach this Court.



6. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

Sub Assistant Registrar (CS)

Vsd

To

1. The Judicial Magistrate,
Karaikudi.
2. The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
3. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate SR-93263.

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