



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.6507 of 2018

and

Cr1.M.P. (MD) Nos.3097 and 3098 of 2018

WEB COPY

Usha Kumari

... Petitioner/2nd Respondent

Vs

Chinju Krishna

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records pertaining to the impugned proceedings in D.V.O.P.No.4 of 2018 on the file of the Judicial Magistrate Court No.II, Kuzhithurai, Kanyakumari District and to quash the same as far as concerned this petitioner.

For Petitioner : Mr.M.R.Sreenivasan

For Respondent : Mr.S.Suresh Manickam

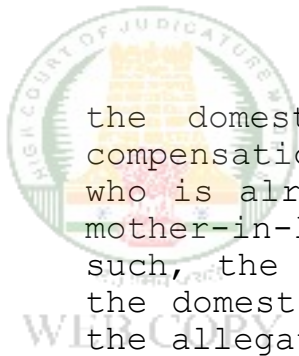
O R D E R

This petition has been filed to quash the complaint in D.V.O.P.No.4 of 2018 on the file of the Judicial Magistrate No.II, Kuzhithurai insofar as the petitioner is concerned.

2. The petitioner is the mother-in-law of the respondent and the marriage between Al/Ratheesh and the respondent Viz.,Chinju Krishna was solemnized on 23.10.2016. 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.O.P.No.4 of 2018 on the file of the Judicial Magistrate No.II, Kuzhithurai and implicated the petitioner as party to the petition and sought action as against her under Domestic Violence Act. The said D.V.O.P.4 of 2018 is pending for trial. At this stage, the petitioner herein who is the mother-in-law of the respondent prays 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
<https://hcservices.ecourts.gov.in/hcservices/>



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 only 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/in-law, 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 these 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 DVOP.No.4 of 2017, on the file of the Judicial Magistrate No.II, Kuzhithurai insofar as these 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 DVA.No.4 of 2018, on the file of the Judicial Magistrate No.II, Kuzhithurai, 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 DVOP.No.4 of 2018 is pending from the year 2018 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 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.

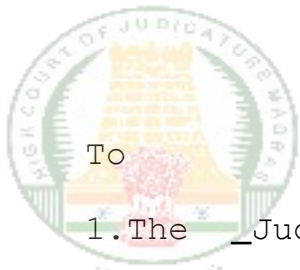
Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

Arul



To

1.The Judicial Magistrate No.II, Kuzhithurai

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-88988[F] dated
24/09/2019)

Order made in

CRL.O.P (MD) No.6507 of 2018

20.09.2019

_KK/SAR/15.10.2019/3P-3C/