



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.6882 of 2018

and

Crl.M.P. (MD) Nos.3270 and 3271 of 2018

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1.Paneerselvam

2.Amarajothi

... Petitioners/Accused No.2&3

Vs

1.Pandiselvi

2.Charumathi

(minor rep by her mother and
guardian 1st petitioner)

... Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records pertaining in D.V.C.No.13 of 2017 on the file of the Judicial Magistrate No.II, Virudhunagar and quash the same as against the petitioners.

For Petitioners : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.M.Jothibas

O R D E R

This petition has been filed to quash the proceedings in D.V.C.No.13 of 2017 on the file of the Judicial Magistrate No.II, Virudhunagar as against the petitioners.

2. The petitioners are in-laws of the 1st respondent and the marriage between Al/Aravind and the 1st respondent Viz., Pandiselvi was solemnized on 15.02.2010 and she begotten the 2nd respondent. Thereafter, due to matrimonial disputes, the 1st respondent and her husband were living separately from the matrimonial home. Under this circumstance, the 1st respondent herein filed a petition under Domestic Violence Act in D.V.C. No.13 of 2017 on the file of the Judicial Magistrate No.II, Virudhunagar and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.C.13 of 2017 is pending for trial. At this stage, the petitioners herein who are the in-laws of the 1st 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 1st 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 only in-laws of the respondent and they are living separately. As such, the protection order sought for by the 1st 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 1st 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.13 of 2017, on the file of the Judicial Magistrate No.II, Virudhunagar insofar as these petitioners are concerned, on condition that, they shall ensure that the A1/husband of the 1st respondent shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before 5th of every English Calendar month to the credit of DVC.No.13 of 2017, on the file of the Judicial Magistrate No.II, Virudhunagar, as *ad-interim* maintenance, without prejudice to both the parties, failing which this order shall stand automatically cancelled. On such deposit being made, the 1st respondent is entitled to withdraw the same.

6. Insofar as A1/husband of the 1st respondent is concerned, since the impugned proceedings in DVC.No.13 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 1st 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

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The Judicial Magistrate No.II,
Virudhunagar.

+1 CC to M/s.M.JOTHI BASU, Advocate (SR-87600[F] dated 19/09/2019)

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-87614[F] dated 19/09/2019)

Order made in
CRL.O.P (MD) No.6882 of 2018
18.09.2019

_KM/ (09.10.2019) 3P 4C