



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP(MD). No.22257 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

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1.D.Karthikeyan
2.K.Dharmarajan
3.Puvaneswari
4.Sangeetha
5.Arnold @ Arun
6.Bala
7.Lakshmanan

... Petitioners/Respondents 1 to 7

-Vs-

S.Vatshala

... Respondent/Petitioner

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to M.C.No.119 of 2015, on the file of the learned Judicial Magistrate, Additional Mahila Court, Trichy and quash the same.

For Petitioners : Mr.S.C.Herold Singh
For Respondent : Mr.T.Senthil Kumar

O R D E R

This criminal original petition has been filed to quash the proceedings in M.C.No.119 of 2015, on the file of the learned Judicial Magistrate, Additional Mahila Court, Trichy.

2.It was instituted by the respondent herein under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The first petitioner is the husband of the respondent. Others are in-laws. It is seen from the materials on record, the petitioners 2 to 7 were never part of the shared household.

3.The learned Judge of this Court in a decision reported in **[2017 (5) CTC 515, Santineer Vincent Rajkumar Vs. R.Rejitha]** held as follows:-

'When the complainant is not living under the same roof, Domestic Violence Act will not be attracted. I say so, by drawing inspiration from the parameter for scrutinizing such complaints as elucidated by the Hon'ble Supreme Court in Preeti Gupta and another Vs. State of Jharkhand and another [(2010) 7 SCC 667]. I deem it appropriate to extract paragraph 35 in Preeti Gupta's case, which reads as follows :



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15.The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinised with great care and circumspection.'''

3.The impugned proceeding stands quashed as regards the petitioners 2 to 7. Of course it will go on as against the first petitioner.

4.The learned counsel appearing for respondent states that till date not even a single paisa has been paid as maintenance. Therefore, the learned Trial Magistrate is requested to fast track the proceedings.

5.The criminal original petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (records)

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Sub Assistant Registrar(CS)

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To:

The Judicial Magistrate,
Additional Mahila Court,
Trichy.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-103522[F] dated 05/12/2019)

Crl.O.P. (MD) No.22257 of 2015

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