



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2019

CORAM:

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

Crl.O.P.(MD)No.7137 of 2018

and

Crl.M.P.(MD)No.3393 of 2018

1.Ravikumar
2.Veerasekaran

... Petitioners/Respondents 1 & 2

Vs

1.Sri Vidya
2.Minor. Vikash
3.Minor.Vibin

... Respondents/Petitioners

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to Call for the records in the petition in D.V.C.No.14 of 2017 on the file of the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District, and quash the proceedings as against the petitioners herein initiated on the basis of the petition filed by the respondent.

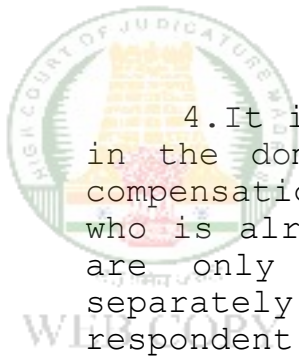
For Petitioners : Mr.C.Suresh Kannan
For Respondents : Mr.S.J.Chakkaravarthy

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.14 of 2017 on the file of the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District.

2.The second petitioner is in-law of the first respondent and the marriage between Al/ Ravikumar and the first respondent Viz., Sri Vidya was solemnized on 03.06.2009. Thereafter, due to matrimonial disputes the first respondent and her husband were living separately from the matrimonial home. Under this circumstance, the first respondent herein filed a petition under Domestic Violence Act in D.V.C.No.14 of 2017 on the file of the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District. and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.C.No.14 of 2017 is pending for trial. At this stage, the second petitioner herein, who are the in-law of the first respondent, pray to quash the proceedings in D.V.O.P. No.26 of 2018.

3.Heard the learned counsel for the petitioners and the learned counsel for the respondents.



4.It is seen that the relief sought for by the first 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 second petitioner herein are only in-law of the first respondent and she is living separately. As such, the protection order sought for by the first respondent herein in the domestic violence case against the second petitioner/in-law, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the **(*)first respondent** against the **(*)second petitioner** 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 the second petitioner. In the absence of the same, the proceedings as against the second petitioner cannot be maintained and consequently, the second 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 D.V.C.No.14 of 2017 on the file of the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District, insofar as the second petitioner is concerned, on condition that, she shall ensure that the A1/ husband of the first 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.C.No.14 of 2017 on the file of the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District, as *ad-interim* maintenance, without prejudice to both the parties, failing which this order shall stand automatically cancelled. On such deposit being made, the first respondent is entitled to withdraw the same.

6.Insofar as A1/husband of the first respondent is concerned, since the impugned proceedings in D.V.C.No.14 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 six months from the date of receipt of copy of this order. A1/husband of the first respondent is directed to appear before the trial Court on the next hearing date, failing which, the first respondent is at liberty to approach this Court.

7.In the result, this Criminal Original Petition stands partly allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

Sd/-

Assistant Registrar (CS-II)

**(*) Amended as per order of this
Hon'ble Court dated 29.11.2019**

Sub Assistant Registrar(CS)



() To be substituted the order already
despatched on 19.11.2019**

1.The Judicial Magistrate, Aruppukkottai,
Virudhunagar District.

(*)2. The Chief Judicial Magistrate, Srivilliputhur at Virudhunagar.

+1CC TO MR.C.SURESH KANNAN, Advocate Sr. No.95398

+1CC TO MR.S.J.CHAKKARAVARTHY, Advocate Sr. No. 95724

Crl.O.P.(MD)No.7137 of 2018
31.10.2019

MA (CO)

TR(14.11.2019) 3P 4C

VB 17.12.2019 3P 5C