



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.8349 of 2018

and

Crl.M.P. (MD) Nos.3746 and 3747 of 2018

1.T.Gopi @ Nandagopal

2.N.Kamala

... Petitioners/A2 & A3

Vs

J.Imagulate Princy

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the case in DVOP No.22/2017 on the file of the Judicial Magistrate No.1, Karur and quash the same, insofar as these petitioners are concerned.

For Petitioners : Mr.M.Shakul Hameed

For Respondent : Mr.M.Jothibas

O R D E R

This petition has been filed to quash the complaint in DVOP No.22/2017 on the file of the Judicial Magistrate No.1, Karur insofar as the petitioners are concerned.

2. The petitioners are in-laws of the respondent and the marriage between Al/Vijay and the respondent Viz., Imagulate Princy was solemnized on 12.12.2010. 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.22 of 2017 on the file of the Judicial Magistrate No.I, Karur and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.O.P.No.22 of 2017 is pending for trial. At this stage, the petitioners herein who are in-laws of the 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 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 respondent herein in the domestic violence case against these petitioners/in-law, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners 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 petitioners. In the absence of the same, the proceedings as against this 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 DVOP.No.22 of 2017, on the file of the Judicial Magistrate No.I, Karur 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 DVOP.No.22 of 2017, on the file of the Judicial Magistrate No.I, Karur, 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 impugned proceedings is pending from 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 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 ()

// True Copy //

Sub Assistant Registrar(CS)

Arul



To

The Judicial Magistrate No.I, Karur.

+4 CC to Mr.M. SHAKUL HAMEED, Advocate (SR-101025[F] dated 25/11/2019)

+1 CC to M/s.G.M. LAE OFFICE, Advocate (SR-101234[F] dated 26/11/2019)

Order made in
CRL.O.P (MD) No.8349 of 2018
25.112019

VB(19.12.2019) 3P 7C