



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) No.14484 of 2019

and

Crl.M.P. (MD).Nos.8735 and 8736 of 2019

WEB COPY

1.Veerakumar
2.Lakshmanan
3.Prema

... Petitioners

Vs.

1.Karthika
2.Minor.Lakshmi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the impugned complaint D.V.O.P.No.38 of 2019 on the file of the learned Judicial Magistrate No.1, Tuticorin and quash the same against these petitioners concerned.

For Petitioners : Mr.S.Muthalraj
For Respondents : Mr.A.Thiruvadi Kumar

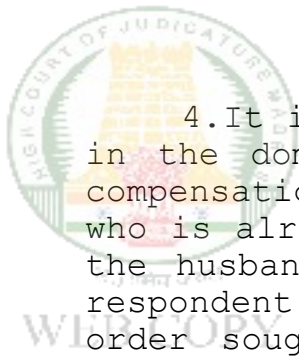
ORDER

This Criminal Original Petition has been filed to quash the proceedings in D.V.O.P.No.38 of 2019, filed by the first respondent herein, pending on the file of the Judicial Magistrate No.1, Tuticorin.

2.The first petitioner is the husband of the first respondent and the other petitioners are in-laws of the first respondent and the marriage between the first petitioner/**Veerakumar** and the first respondent Viz.,**Karthika** was solemnized on **12.05.2017**. 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.O.P.No.38 of 2019 on the file of the Judicial Magistrate No.1, Tuticorin, 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.38 of 2019 is pending for trial. At this stage, the petitioners herein who are the husband and in-laws of the first respondent pray to quash the proceedings in D.V.O.P. No.38 of 2019.

3.Heard Mr.S.Muthalraj, learned counsel for the petitioners and Mr.A.Thiruvadi Kumar, learned counsel for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>



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 first petitioner herein is the husband and the petitioners 2 and 3 are in-laws of the first respondent and they are living separately. As such, the protection order sought for by the first respondent herein in the domestic violence case against these petitioners 2 and 3, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners 2 and 3 against the first 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 the petitioners 2 and 3. In the absence of the same, the proceedings as against these petitioners 2 and 3 cannot be maintained and consequently, the petitioners 2 and 3 need not undergo the ordeal of facing a criminal trial.

5.In view of the above, this Court is not inclined to quash the proceedings in D.V.O.P.No.38 of 2019, on the file of the Judicial Magistrate No.1, Tuticorin, as against the first petitioner and insofar as petitioners 2 and 3 are concerned, the proceedings in D.V.O.P.No.38 of 2019, on the file of the Judicial Magistrate No.1, Tuticorin, is hereby quashed on condition that, they shall ensure that the first petitioner/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.O.P.No.38 of 2019, on the file of the Judicial Magistrate No.1, Tuticorin, 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 the first petitioner/husband of the first respondent is concerned, since the impugned proceedings in D.V.O.P.No.38 of 2019 is pending, 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. The first petitioner/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 petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

Sub Assistant Registrar(CS)



To:

The Judicial Magistrate No.1,
Tuticorin

+1 CC to MR.NA. PALANIYANDI, Advocate (SR-99857[F] dated
20/11/2019)
+1 CC to MR.A. THIRUVADI KUMAR, Advocate (SR-100123[F] dated
21/11/2019)

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MK (12.12.2019) 3P 4C