



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2019

CORAM:

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

Crl.O.P. (MD) No.13790 of 2019

and

Crl.M.P. (MD) .Nos.8415 and 8417 of 2019

1.V.Ayothi
2.A.Sagunthala
3.V.A.Aravind

... Petitioners/Respondents 2 to 4

Vs.

1.A.V.Suganya
2.Minor A.Shravan

...Respondents/Petitioners

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for and quash the proceedings in D.V.O.P.No.7 of 2019 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District as for as the petitioners are concerned.

For Petitioners : Mr.C.Muthu Saravanan

For Respondents : Mr.P.T.Narendravasan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in D.V.O.P.No.7 of 2019, filed by the first respondent herein, pending on the file of the Judicial Magistrate, Thirumangalam, Madurai District.

2.The petitioners are in-laws of the respondent and the marriage between A1/**V.A.Anand** and the first respondent Viz.,**A.V.Suganya** was solemnized on **23.05.2012**. 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.7 of 2019 on the file of the Judicial Magistrate, Thirumangalam, Madurai District 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.7 of 2019 is pending for trial. At this stage, the petitioners herein who are the in-laws of the first respondent pray to quash the proceedings in D.V.O.P.No.7 of 2019.



3.Heard Mr.C.Muthu Saravanan, learned counsel for the petitioners and Mr.P.T.Narendravasan, learned counsel for the respondents.

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 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/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 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 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 D.V.O.P.No.7 of 2019 on the file of the Judicial Magistrate, Thirumangalam, Madurai District, insofar as these petitioners are concerned.

6.Insofar as A1/husband of the first respondent is concerned, since the impugned proceedings in D.V.O.P.No.7 of 2019 is pending from the year 2019 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 allowed. Consequently, connected miscellaneous petitions are closed.

8.Further, the personal appearance of the petitioners are dispensed with and they shall be represented by a counsel after filing appropriate application. The petitioners shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment.

Sd/-

Assistant Registrar (AS)

// True Copy //



To:

The Judicial Magistrate,
Thirumangalam, Madurai District.

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+1 CC to M/s.PT.S. NARENDRAVASAN, Advocate (SR-99791[F] dated 20/11/2019)

+1 CC to M/s.C. MUTHU SARAVANAN, Advocate (SR-100060[F] dated 21/11/2019)

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vsg

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