



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) No.14523 of 2019

and

Crl.M.P. (MD) .No.8758 of 2019

WEB COPY

1.Jeya Prakash
2.Sulochana
3.Selva Ganesh

: Petitioners

Versus

B.Uma Maheswari

: Respondent

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records of the impugned proceedings pertaining in D.V.O.P.No.10 of 2019, on the file of the learned Judicial Magistrate Additional Mahila Court, Madurai and quash the same as illegal.

For Petitioners : Mr.S.M.A.Jinnah

For Respondent : Mr.S.Deendhayalan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.O.P.No.10 of 2019, on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai.

2. The first and second petitioners are the in-laws of the respondent and the third petitioner is the brother the respondent's husband viz., Boopathi Raja. The marriage between **A1 / Boopathi Raja** and the respondent Viz., **B.Uma Maheswari** was solemnized on **31.03.2004**. 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.10 of 2019, on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and implicated the petitioners as parties to the petition and sought action as against them under the Domestic Violence Act. The said D.V.O.P.No.10 of 2019 is pending for trial. At this stage, the petitioners herein who are the in-laws of the respondent and brother of the respondent's husband pray to quash the proceedings in D.V.O.P.No.10 of 2019.

3. Heard Mr.S.M.A.Jinnah, learned counsel for the petitioners.

4. It is seen that a notice has been sent to the address mentioned in the complaint filed by the respondent in D.V.O.P.No.10 of 2019.



5. 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 1 and 2 herein are the in-laws of the respondent and the third petitioner is the brother of the respondent's husband and they are living separately. As such, the protection order sought for by the respondent herein in the domestic violence case against these petitioners 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 these petitioners cannot be maintained and consequently, the petitioners need not undergo the ordeal of facing a criminal trial.

6. In view of the above, this Court is inclined to quash the proceedings in D.V.O.P.No.10 of 2019, on the file of the learned Judicial Magistrate Additional Mahila Court, Madurai, insofar as these petitioners are concerned, on condition that, they shall ensure that the **respondent's husband / A1** 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.10 of 2019, on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, 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.

7. Insofar as A1/husband of the respondent is concerned, since the impugned proceedings in D.V.O.P.No.10 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. 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.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



tsg

To

The Judicial Magistrate, Additional Mahila Court,
Madurai.

+1 CC to Mt.S.M.A JINNAH, Advocate (SR-98020[F] dated 13/11/2019)

Order made in
Crl.O.P. (MD) No.14523 of 2019
13.11.2019

MK (26.11.2019) 3P 3C