



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 13.11.2019

CORAM :

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

Crl.O.P.(MD)No.11380 of 2018  
and  
Cr.M.P.(MD)Nos.5180 & 5181 of 2018

1.Vasanthadurai

2.Annathurai

3.Punithavathi

4.Ananthadurai

5.Anitha

... Petitioners/Respondents

Vs.

S.Lakshmi

... Respondent/Petitioner

**Prayer:** Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records pertaining to the above complaint in D.V.A.No.08/2017 on the file of learned judicial Magistrate Court, Thuraiyur and quash the same.

For Petitioners : Mr.R.Narayanan  
For Respondent : Mr.S.Mariappan

**O R D E R**

This petition has been filed to quash the proceedings in D.V.A.No.08/2017 on the file of learned judicial Magistrate Court, Thuraiyur.

2.The petitioners 2 to 5 are in-laws of the respondent and the marriage between A1/Vasanthadurai and the respondent Viz., S.Lakshmi was solemnized on 29.11.2015. 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.A.No.08/2017 on the file of learned judicial Magistrate Court, Thuraiyur and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.A.No.08/2017 is pending for trial. At this stage, the



first petitioner, who is the husband of the respondent and the petitioners 2 to 5 herein, who are the in-laws of the respondent, pray to quash the proceedings in D.V.A.No.08/2017.

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

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 2 to 5 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 the petitioners 2 to 5/in-laws, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners 2 to 5 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 2 to 5. In the absence of the same, the proceedings as against the petitioners 2 to 5 cannot be maintained and consequently, the petitioners 2 to 5 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.A.No.08/2017 on the file of learned judicial Magistrate Court, Thuraiyur, insofar as the petitioners 2 to 5 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 5<sup>th</sup> of every English Calendar month to the credit of D.V.A.No.08/2017 on the file of learned judicial Magistrate Court, Thuraiyur, 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 first petitioner/husband of the respondent is concerned, since the impugned proceedings in D.V.A.No.08/2017 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 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.



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

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS )

dss

To

The Judicial Magistrate,  
Thuraiyur.

+1 CC to Mr.G. MARIAPPAN, Advocate ( SR-97989[F] dated 13/11/2019 )  
+1 CC to Mr.R. NARAYANAN, Advocate ( SR-97971[F] dated 13/11/2019 )

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MK (27.11.2019) 4P 4C