



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD) No.16632 of 2019

and

Crl.M.P.(MD) .No.9863 of 2019

WEB COPY

- 1.Sekkilar
- 2.Kaleeswari
- 3.Angayarkanni
- 4.Chitra
- 5.Sathiya

... Petitioners

Vs.

- 1.K.Sathana
- 2.Minor Parkavi
- Rep. through his mother
- K.Sathana

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in proceedings in D.V.O.P.No.3 of 2019, on the file of the learned Judicial Magistrate Court, Kodaikanal and quash the same as against the petitioners herein.

For Petitioners : Mr.S.A.Ajmal Khan

For Respondents : Mr.J.Sulthan Basha
M/s.Ajmal Associates

ORDER

This Criminal Original Petition has been filed to quash the proceedings in D.V.O.P.No.3 of 2019, on the file of the learned Judicial Magistrate Court, Kodaikanal.

2.The petitioners are in-laws of the first respondents and the marriage between A1/Mariselvam and the first respondent Viz.,K.Sathana was solemnized on 09.03.2017. 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 lodged a complaint under Domestic Violence Act in D.V.O.P.No.3 of 2019, on the file of the Judicial Magistrate, Kodaikanal, 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.3 of 2019 is pending. 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.3 of 2019.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

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 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 exaggerated. 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.3 of 2019 on the file of the Judicial Magistrate, Kodaiknal, insofar as these petitioners are concerned, on condition that, they shall ensure that the AI/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 D.V.O.P.No.3 of 2019 on the file of the Judicial Magistrate, Kodaikanal, 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. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

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/ /2020

Sub Assistant Registrar (CS)



sjj

To:

The Judicial Magistrate Court, Kodaikanal.

+1 CC to MR.S.A.AJMALKHAN, Advocate (SR-106450[F] dated
26/12/2019)

CrI.O.P. (MD) No.16632 of 2019
20.12.2019

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