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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.10.2019
CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)Nos.15700 & 19925 & 17997 of 2018
and

Crl.M.P. (MD)Nos.6947, 6948, 9135, 9136, 7998 & 7999 of 2018

1.Varadharaj
2.Amutha
3.Packialakshmi
4.Karthick
5.Dhanalakshmi
6.Eswari
7.Sekar ... Petitioners in Crl.O.P(MD)No.15700 of 2018

1.S.Thilaga @ Ramathilagam
2.T.Srinivasan ... Petitioners in Crl.O.P(MD)No.19925 of 2018
S.Divya ... Petitioner in Crl.O.P(MD)No.17997 of 2018

(Name is wrongly stated in the
impugned petition as Vasudevan)

-Vs-

S.Niranjana Devi ... Respondent in all Crl.O.Ps

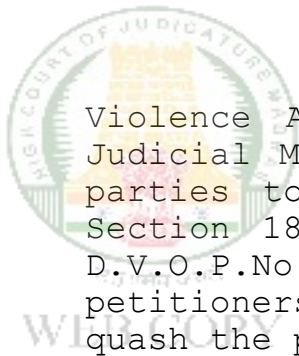
COMMON PRAYER: Criminal Original petitions filed under Section 482 of Code of Criminal Procedure, to call for the records in D.V.O.P.No.3 of 2018 on the file of the Judicial Magistrate, Aundipatti and quash the same as illegal.

For Petitioners : Mr.D.Saddiq Raja in all Crl.OPs
For Respondent : Mr.B.Arun in all Crl.OPs

C O M M O N O R D E R

These Criminal Original Petitions have been filed to quash the proceedings in D.V.O.P.No.3 of 2018 on the file of the Judicial Magistrate, Aundipatti as against the petitioners.

2. The petitioners are in-laws of the respondent and the marriage between Al/Dinesh Kumar and the respondent viz., Niranjana Devi was solemnized on 02.11.2017. 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 Section 18, 20, 23 of the Domestic



Violence Act, 2005 in D.V.O.P.No.3 of 2018 on the file of the Judicial Magistrate, Aundipatti, and implicated the petitioners as parties to the petition and sought action as against them under Section 18, 20, 23 of the Domestic Violence Act, 2005. The said D.V.O.P.No.3 of 2018 is pending for trial. At this stage, the petitioners herein, who are the in-laws of the respondent, prays to quash the proceedings in D.V.O.P.No.3 of 2018.

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 herein are 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/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 respondent itself seems to be false. While that being so, there cannot be any act of any domestic violence as defined under Section 18, 20, 23 of the Domestic Violence Act. In the absence of the same, the proceedings as against the 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 2018 on the file of the Judicial Magistrate, Aundipatti, insofar as the petitioners 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 5th of every English Calendar month to the credit of D.V.O.P.No.3 of 2018 on the file of the Judicial Magistrate, Aundipatti, 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 A1/husband of the respondent is concerned, since the impugned proceedings in D.V.O.P.No.3 of 2018 is pending from the year 2018 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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Crl.O.P(MD)No.15700 of 2018 and etc

7. In the result, these Criminal Original Petitions stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate,
Aundipatti.
2. The Section Officer,
Criminal Section, (2 copies)
Madurai Bench of Madras High Court,
Madurai.

+3 CC to Mr.D.SADIQ RAJA, Advocate SR-93208,93210,93209

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vsd

MK (08.11.2019) 3P 7C