



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2019

CORAM:

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

Crl.O.P.(MD) No.18075 of 2019

and

Crl.M.P.(MD).Nos.10650 and 10651 of 2019

WEB COPY

1.S.Subramanian

2.S.Ganapathi Sundaram

... Petitioners/R2 & R3

Vs.

N.Selvi

...Respondent / Petitioner

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the same against the petitioners in Domestic Violence Cr.M.P.No.10258 of 2019 on the file of the Judicial Magistrate-I, Tuticorin.

For Petitioners : Mr.KA.Raamakrishnan

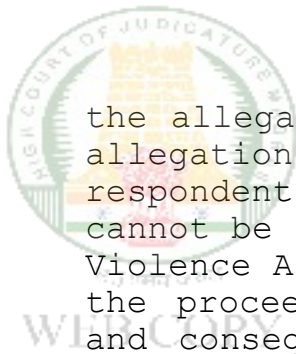
ORDER

This Criminal Original Petition has been filed to quash the complaint against the petitioners in Domestic Violence Cr.M.P.No.10258 of 2019 on the file of the Judicial Magistrate-I, Tuticorin.

2.The petitioners are in-laws of the respondent and the marriage between Al/**S.Nadarajan** and the respondent Viz.,**N.Selvi** was solemnized on **21.06.1989**. Thereafter, due to matrimonial disputes the respondent and her husband were living separately from the matrimonial home. Under this circumstance, the respondent herein lodged a complaint under Domestic Violence Act in Cr.M.P.No.10258 of 2019 on the file of the Judicial Magistrate-I, Tuticorin, and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said Cr.M.P.No.10258 of 2019 is pending. At this stage, the petitioners herein who are the in-laws of the respondent pray to quash the complaint in Cr.M.P.No.10258 of 2019.

3.Heard Mr.KA.Raamakrishnan, learned counsel for the petitioners.

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 respondent and they are living separately. As such, the protection order sought for by the 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 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 Cr.M.P.No.10258 of 2019 on the file of the Judicial Magistrate-I, Tuticorin insofar as these 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 Cr.M.P.No.10258 of 2019 on the file of the Judicial Magistrate No.1, Tuticorin, 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.In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To:

The Judicial Magistrate-I,
Tuticorin.

+1 CC to M/s.KA.RAMAKRISHNAN, Advocate (SR-105474[F]

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SMA/07/01/2020/2P/3C