

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.1 of 2016
and
Crl.M.P.No.2 of 2016

1.Kanchana
2.G.Malarvizhi

... Petitioners

Vs.

M.Ramya

... Respondent

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the calendar case in C.C.No.9171 of 2014, on the file of the learned V Metropolitan Magistrate at Egmore, Chennai.

For Petitioners : Mr.N.S.Amarnath

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed to quash C.C.No.9171 of 2014, on the file of the learned V Metropolitan Magistrate at Egmore, Chennai.

2. The petitioners are in-laws of the respondent and the marriage between P.Manoharan and the respondent viz., M.Ramya was solemnized on 22.08.2010. Thereafter, due to matrimonial disputes the respondent and her husband were living separately from the matrimonial home. Under this circumstance, the husband of the respondent herein has filed a divorce petition in HMOP.No.1832 of 2014, which was pending before the learned Principal Family Judge at Chennai. Immediately, the respondent herein has given the complaint in June, 2014 under the Provisions of the Protection of Women from Domestic Violence Act, 2005 as a sequel to the Divorce petition, which is taken on file in C.C.No.9171 of 2014 and the same is pending for trial. At this stage, the petitioners herein who are the in-laws of the respondent pray to quash the proceedings in C.C.No.9171 of 2014.

3. Heard Mr.N.S.Amarnath, learned counsel for the petitioners and perused the materials placed on records.

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 C.C.No.9171 of 2014 on the file of the learned V Metropolitan Magistrate at Egmore, Chennai, insofar as these petitioners are concerned, on condition that, they shall ensure that the 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 C.C.No.9171 of 2014, on the file of the learned V Metropolitan Magistrate at Egmore, Chennai, 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 husband of the respondent is concerned, since the impugned proceedings in C.C.No.9171 of 2014 is pending from the year 2014 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. The 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.

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

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

dua

To

The V Metropolitan Magistrate at Egmore, Chennai.

CRL.O.P.No.1 of 2016

and

CrI.M.P.No.2 of 2016