

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.616 of 2020
and CRL.M.P.Nos.364 and 366 of 2020

1.Rudratcham
2.Elavarasi

... Petitioners/Respondents

Vs.

Umamaheshwari

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the case in D.V.C.No.5/2017, pending on the file of the learned Judicial Magistrate, Jayamkondam, Ariyalur District and quash the same against the petitioners are concerned.

For Petitioners: Ms.R.Divya

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.5/2017, filed by the respondent herein, pending on the file of the learned Judicial Magistrate, Jayamkondam, Ariyalur District.

2. The petitioners are in-laws of the respondent and the marriage between the Vijayarangan and the respondent Viz., Umamaheshwari, was solemnized on 12.03.2014. 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.C.No.5/2017 on the file of the learned Judicial Magistrate, Jayamkondam, Ariyalur District and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.C.No.5 of 2017 is pending for trial. At this stage, the petitioners herein who are the in-laws of the respondent pray to quash the proceedings in D.V.C.No.5/2017.

3. Heard Ms.R.Divya, learned counsel for the petitioners and there is no representation 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. As such, the protection order sought for by the respondent herein in the domestic violence case against the petitioners, 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 the petitioners. 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. The learned counsel for the petitioners submitted that the first petitioner died after filing this petition.

6. In view of the above, this petition is dismissed as abated as against the first petitioner and this Court is inclined to quash the proceedings in D.V.C.No.5/2017, on the file of the learned Judicial Magistrate, Jayamkondam, Ariyalur District, insofar as the second petitioner is concerned, on condition that, she 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 D.V.C.No.5/2017, on the file of the learned Judicial Magistrate, Jayamkondam, Ariyalur District, 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.

7. Insofar as the husband of the respondent is concerned, 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.

8. In the result, this Criminal Original Petition stands allowed insofar as the second petitioner is concerned. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ub

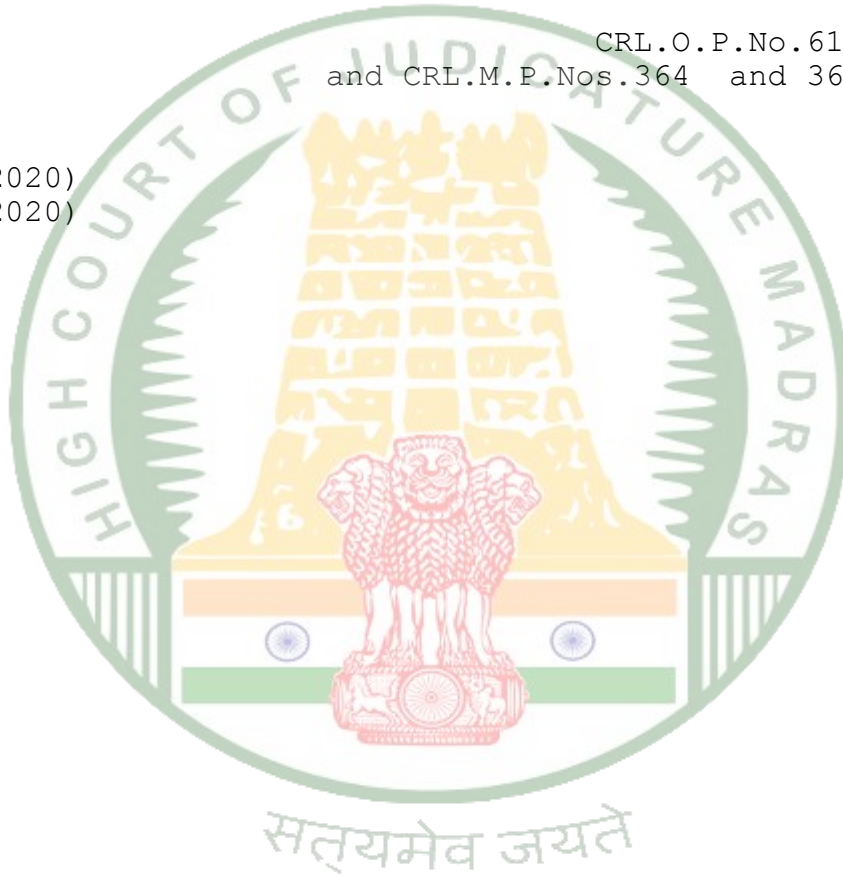
To

1.The Judicial Magistrate, Jayamkondam,
Ariyalur District.

2.The Chief Judicial Magistrate,
Ariyalur District.
(For Information)

CRL.O.P.No.616 of 2020
and CRL.M.P.Nos.364 and 366 of 2020

NR(CO)
CB(23/10/2020)
CB(05/11/2020)



WEB COPY