

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2020

CORAM:

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

CRL.O.P.No.1073 of 2020

and

CrI. O.P. Nos.652 and 654 of 2020

- 1.Mano,
S/o. Chandrasekar,
- 2.Kamalaveni @ Chithra,
W/o. Chandra Sekar,
- 3.Chandra Sekar,
S/o. Natesan,
- 4.C.Saravanan,
S/o. Chandra Sekar,

All the petitioners are residing at
No.2/102A, Chettypalayam,
Angeripalayam Post,
Thirupur Taluk,
Thirupur District.

.... Petitioners

Vs.

M.Karthika,
W/o. Mano,
No.2/10, Nehru Anbu Illam,
Poondi Ring road,
Thrumurugan Poondi,
Thirupur Taluk,
Thirupur District.

सत्यमेव जयते

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in D.V.A. No.23 of 2019 pending on the file of Judicial Magistrate Court No.III at Thirupur and quash the same.

For Petitioners: Mr. V.Balamurugan

For Respondent : No Appearance

O R D E R

This petition has been filed to call for the records in D.V.A. No.23 of 2019 pending on the file of Judicial Magistrate Court No.III at Thirupur and quash the same.

2. The petitioners are the husband and the in-laws of the respondent and the marriage between A1/Mano and the respondent Viz. Karthika was solemnized on 29.11.2017. 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 Domestic Violence Act in D.V.A. No.23 of 2019 pending on the file of Judicial Magistrate Court No.III, Thiruppur and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.A. No.23 of 2019 is pending for trial. At this stage, the petitioners herein who are the husband and the in-laws of the respondent pray to quash the proceedings in D.V.A.No.23 of 2019.

3. 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 2 to 4 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 petitioners 2 to 4/in-laws, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners 2 to 4 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 petitioners 2 to 4. In the absence of the same, the proceedings as against petitioners 2 to 4 cannot be maintained and consequently, the petitioners 2 to 4 need not undergo the ordeal of facing a criminal trial. In so far as first petitioner is concerned, this criminal original petition is dismissed.

4. In view of the above, this Court is inclined to quash the proceedings in D.V.A. No.23 of 2019, on the file of the Judicial Magistrate No.III, Tiruppur, in so far as petitioners 2 to 4 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) per month before 5th of every English Calendar month to the credit of D.V.A. No.23 of 2019, on the file of the Judicial Magistrate No.III, Tiruppur, 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.

5. In so far as A1/husband of the respondent is concerned, since the impugned proceedings in D.V.A. No.23 of 2019 is pending from the year 2019 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 personal appearance of the first petitioner

before the trial Court is dispensed with, for the present.

6. In the result, this Criminal Original Petition stands partly allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

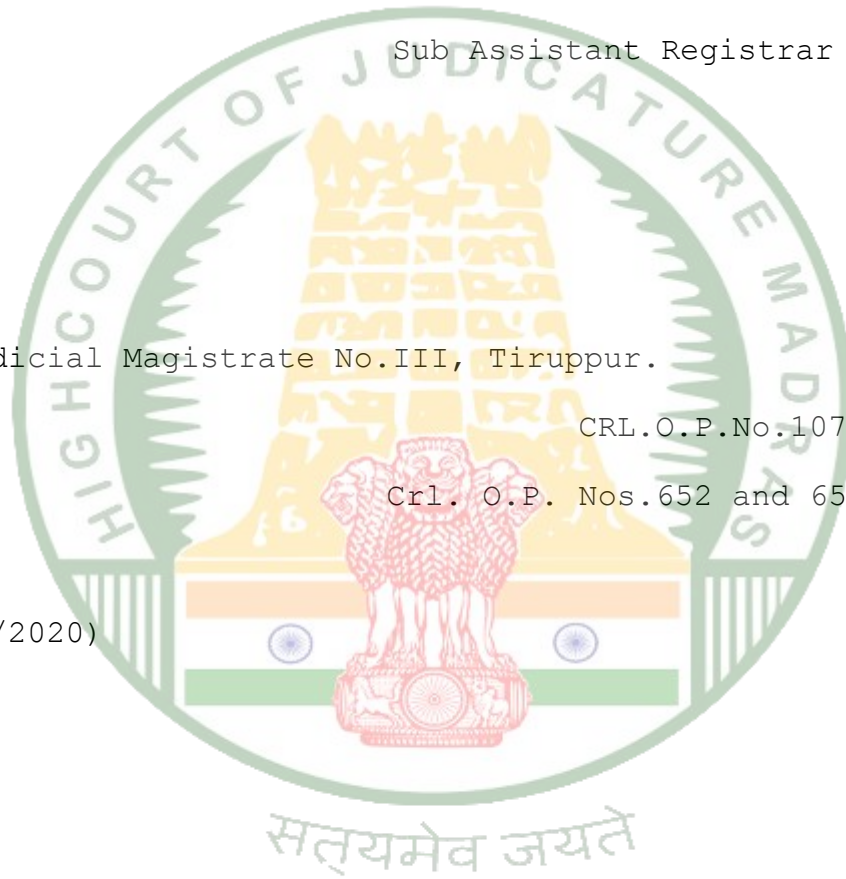
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To

1. The Judicial Magistrate No.III, Tiruppur.

CRL.O.P.No.1073 of 2020
and
Crl. O.P. Nos.652 and 654 of 2020

SPD (CO)
GMY (28/10/2020)



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