

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.07.2020
CORAM:

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

CRL.O.P.No.1163 of 2020
and
CRL.M.P.Nos.733 and 734 of 2020

1.E.Sathish
2.E.Jeyanthi
3.R.Elango
4.E.Dhinesh
5.Chandralekha

... Petitioners

Vs.

Sabitha

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to D.V.C.No.19 of 2019 on the file of the Judicial Magistrate, Gudiyatham and quash the same.

For Petitioners: Mr.S.Angamuthu
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.19 of 2019, filed by the respondent herein, on the file of the Judicial Magistrate, Gudiyatham.

2. The 2nd and 3rd petitioners are in-laws of the respondent, the 4th petitioner is brother of the 1st petitioner and 5th petitioner is wife of the 4th petitioner. The marriage between 1st petitioner/E.Sathish and the respondent Viz., Sabitha was solemnized on 21.04.2016. 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.19 of 2019 on the file of the Judicial Magistrate, Gudiyatham and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.C.19 of 2019 is pending for trial. At this stage, the petitioners herein who are the husband and in-laws of the respondent, have come forward with the present petition, praying to quash the proceedings in D.V.C.No.19 of 2019.

3. Heard Mr.S.Angamuthu, 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 2 to 5 herein are only in-laws of the respondent and admittedly, they are living separately. As such, the protection order sought for by the respondent herein in the domestic violence case against these petitioners 2 to 5/in-laws, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out in the hands of the petitioners 2 to 5 by the respondent itself seems to be baseless. While that being so, there cannot be any act of any domestic violence as defined under Domestic Violence Act against the petitioners 2 to 5. In the absence of the same, the proceedings as against these petitioners cannot be maintained and consequently, the petitioners need not to undergo the ordeal of facing the criminal trial.

5. In view of the above, this Court is inclined to quash the proceedings in DVC.No.19 of 2019, on the file of the Judicial Magistrate, Gudiyatham, insofar as the petitioners 2 to 5 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 DVC.No.19 of 2019, on the file of the Judicial Magistrate, Gudiyatham, as ad-interim maintenance, without prejudice to both the parties, failing which, this order shall stand automatically canceled. 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 DVC.No.19 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 nine 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.

7. In the result, this Criminal Original Petition stands allowed in respect of the petitioners 2 to 5. As regards to the 1st petitioner, this petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gbi
To

1.The Judicial Magistrate,Gudiyatham.

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