

CRL.O.P.No.3244 of 2020
and Crl.M.P.Nos.1884 and 1885 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM:

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

CRL.O.P.No.3244 of 2020
and CRL.M.P.Nos.1884 and 1885 of 2020

1.R.Senthamilvelan
2.S.Govindammal
3.Mr.R.Siva
4.Mrs.Kalaivani
5.Mrs.Vasuki

... Petitioners

Vs.

Mrs.A.Umadevi

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to D.V.C.No.06 of 2019 dated 03.06.2019 pending on the file of the Judicial Magistrate No.I, Tindivanam, Villupuram District and quash the same.

For Petitioners : Mr.J.Antony Jesuraja

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.06 of 2019 dated 03.06.2019 pending on the

file of the Judicial Magistrate No.I, Tindivanam, Villupuram District.

2. The 1st petitioner is the husband of the respondent and the petitioners 2 to 5 are in-laws of the respondent and the marriage between 1st petitioner/**R.Senthilvelan** and the respondent Viz.,**A.Umadevi** was solemnized on **29.10.2006**. 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.6 of 2019 on the file of the Judicial Magistrate No.I, Tindivanam, Villupuram 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.6 of 2019 is pending for trial. At this stage, the petitioners herein who are the husband and in-laws of the respondent pray to quash the proceedings in D.V.C.No.6 of 2019.

3. Heard Mr.J.Antony Jesuraja, learned counsel for the

petitioners. No representation for the respondents.

4. It is seen that the relief sought for by the respondents 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 1st petitioner herein is the husband and the petitioners 2 to 5 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 2 to 5 / 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 2 to 5. In the absence of the same, the proceedings as against these petitioners 2 to 5 cannot be maintained and consequently, the petitioners 2 to 5 need not undergo the ordeal of facing a criminal trial.

5. In view of the above, this Court is **not inclined to quash** the proceedings as against the **1st petitioner/husband** in D.V.C.No.6 of 2019, on the file of the Judicial Magistrate No.I, Tindivanam, Villupuram District, and this Court is **inclined to quash** the proceedings as against **the petitioners 2 to 5** in D.V.C.No.6 of 2019, on the file of the Judicial Magistrate No.I, Tindivanam, Villupuram District, insofar as these petitioners 2 to 5 are concerned, on condition that, they shall ensure that the 1st petitioner/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.6 of 2019, on the file of the Judicial Magistrate No.I, Tindivanam, Villupuram 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.

6. Insofar as 1st petitioner / husband of the respondent is

concerned, since the impugned proceedings in D.V.C.No.6 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. The 1st petitioner / 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 and dismissed in respect of the 1st petitioner/husband. Consequently, connected miscellaneous petitions are closed.

21.07.2020

Index : Yes / No
Internet : Yes / No
Speaking/non-speaking order
ssn

G.K.ILANTHIRAIYAN, J.

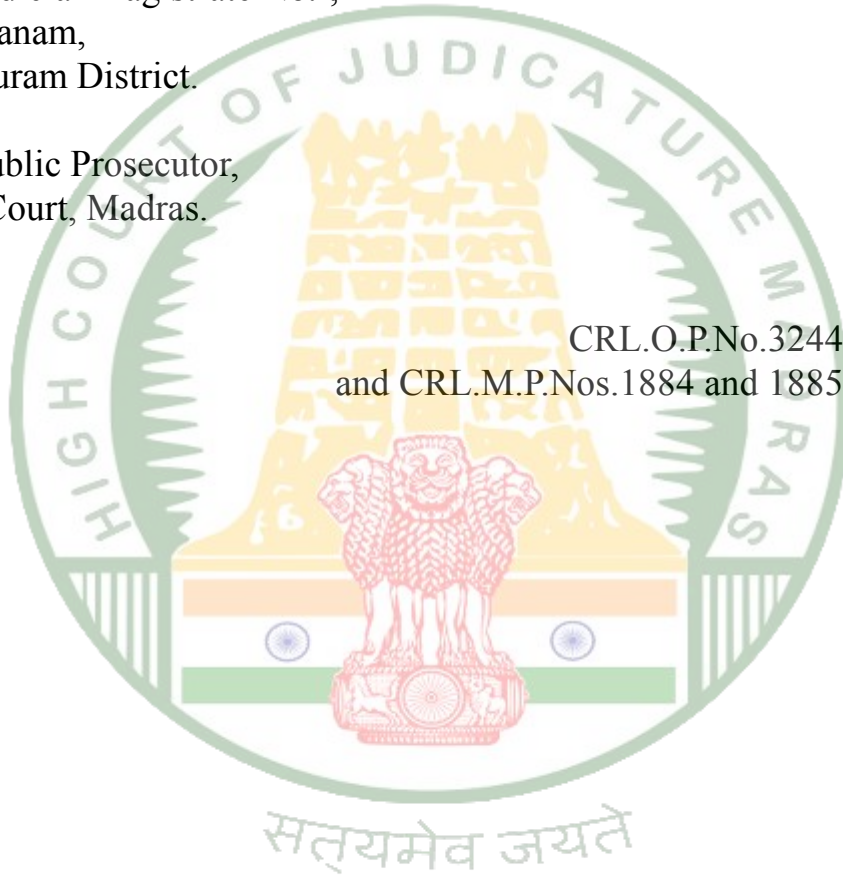
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ssn

To

1. The Judicial Magistrate No.I,
Tindivanam,
Villupuram District.
2. The Public Prosecutor,
High Court, Madras.

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