

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

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

CRL.O.P.Nos.10606 & 11486 of 2018
and

CRL.M.P.Nos.5429, 5430 & 5973 of 2018

Cr1.O.P.No.10606 of 2018

R.Vijayakumar

...Petitioner

Vs.

1. A.Ramya
2. R.V.Rangakarthikeyan
3. V.Mohanasundari
4. V.Venkatesan
5. R.Swarnalatha
6. K.Rajasekar
7. K.Poornima Devi
8. D.Karthikeyan
9. S.D.Kalaiaamudhan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to D.V.O.P.No.3 of 2018 on the file of the Judicial Magistrate-cum-Additional Mahila Court, Salem and quash the same.

Cr1.O.P.No.11486 of 2018

- 1.V.Mohanasundari
- 2.V.Venkatesan
- 3.R.Swarnalatha
- 4.K.Rajasekar
- 5.K.Poornima Devi
- 6.D.Karthikeyan
- 7.S.D.Kalaiaamudhan

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Vs.

1. A.Ramya
2. R.V.Rangakarthikeyan
3. R.Vijayakumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to D.V.O.P.No.3 of 2018 on the file of the Additional Mahila Court, Salem and quash the same.

For Petitioners : Mr.T.Damodaran
(in both Cr1.O.Ps)
For Respondents : Mr.R.Nalliyappan (For R1)
(in both Cr1.O.Ps)

COMMON ORDER

These Criminal Original Petitions have been filed to call for the records relating to D.V.O.P.No.3 of 2018 on the file of the Judicial Magistrate - cum- Additional Mahila Court, Salem and quash the same.

2. The petitioner and the respondents 3 to 9 are in-laws of the first respondent and the marriage between R2/R.V.Rangakarhikeyan and the first respondent Viz., A.Ramya was solemnized on 02.11.2015. Thereafter, due to matrimonial disputes the first respondent and her husband/second respondent were living separately from the matrimonial home. Under this circumstance, the first respondent herein filed a petition under Domestic Violence Act in D.V.O.P. No.3 of 2018 on the file of the Judicial Magistrate-cum-Additional Mahila Court, Salem and implicated the petitioner and respondents 3 to 9 as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.O.P.No.3 of 2018 is pending for trial. At this stage, the petitioner and respondents 3 to 9 herein who are the in-laws of the first respondent pray to quash the proceedings in D.V.O.P.No.3 of 2018.

3. Heard Mr.T.Damodaran, learned counsel for the petitioners and Mr.R.Nalliyappan learned counsel appearing for the first respondent.

4. It is seen that the relief sought for by the first 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 petitioner and respondents 3 to 9 herein are only in-laws of the first respondent and they are living separately. As such, the protection order sought for by the first respondent herein in the domestic violence case against this petitioner and respondents 3 to 9/ are in-laws, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioner and respondents 3 to 9 against the first 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 petitioner and respondents 3 to 9. In the absence of the same, the proceedings as against the petitioner and respondents 3 to 9

cannot be maintained and consequently, the petitioner and respondents 3 to 9 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 DVOP.No.3 of 2018, on the file of the Judicial Magistrate-cum-Additional Mahila Court, Salem, insofar as the petitioner and respondents 3 to 9 are concerned, on condition that, the R2/husband shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before 5th of every English Calendar month to the credit of DVOP.No.3 of 2018, on the file of the Judicial Magistrate-cum-Additional Mahila Court, Salem, as ad-interim maintenance, without prejudice to both the parties, failing which this order shall stand automatically cancelled. On such deposit being made, the first respondent is entitled to withdraw the same.

6. Insofar as R2/husband of the first respondent is concerned, since the impugned proceedings in DVOP.No.3 of 2018 is pending from the year 2018 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. R2/husband of the first respondent/wife is directed to appear before the trial Court on the next hearing date, failing which, the first respondent is at liberty to approach this Court.

7. In the result, these Criminal Original Petitions stand allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)MDU

//True Copy//

Sub Assistant Registrar

ebsi

To

1.The Judicial Magistrate-cum-
Additional Mahila Court,
Salem.

+2ccS to M/S.T.Damodaran, Advocate, S.R.No.19904,19903

CRL.O.P.Nos.10606 & 11486 of 2018
and

CRL.M.P.Nos.5429, 5430 & 5973 of 2018

RGN (CO)
KKV/24/07/2020