

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.3251 of 2020
and CRL.M.P.No.1890, 1891 and 3567 of 2020

1.S.N.Venkata Krishna, M/33 years
S/o.Narayanasamy
2.Narayanasamy, M/62 years
S/o.Pandurangaiah Chetty
3.Kirubalakshmi, F/54 years
W/o.Narayanasamy
All are residing at
Old No.7, New No.13,
Muthaiyal Naicken Street
Purasaivalkkam
Chennai-600 007. Petitioners/Respondents

Vs.

Jaya Bharathy, F/25 years
D/o.Prabakaran
No.5/3, Robinson Colony
Old Washermenpet
Chennai-600 021.Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in DVC No.151 of 2019 on the file of the Additional Mahila Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioners: Mr.V.Kannadasan

For Respondent : Mr.D.Udhayasuriyan

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O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.151 of 2019, filed by the respondent herein, pending on the file of the Additional Mahila Metropolitan Magistrate Court, Egmore, Chennai.

2. The petitioners are husband, father-in-law and mother-in-laws respectively of the respondent and the marriage between the 1st petitioner/Venkatakrishnan and the respondent Viz.,Jaya Bharathy was solemnized on 16.06.2016. Thereafter, due to matrimonial disputes the respondent and her husband/1st petitioner 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.151 of 2019 on the file of the Additional Mahila Metropolitan Magistrate Court, Egmore, Chennai 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.151 of 2019 is pending for trial. At this stage, the petitioners herein who are the husband, father-in-law and mother-in-law respectively of the respondent pray to quash the proceedings in D.V.C.No.151 of 2019.

3. Heard Mr.V.Kannadasan, learned counsel for the petitioners and Mr.D.Udhayasuriyan, learned counsel appearing 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. The petitioners 2 and 3 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 the petitioners 2 & 3/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 & 3 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 2 & 3. In the absence of the same, the proceedings as against the petitioners 2 & 3 cannot be maintained and consequently, the petitioners 2 & 3 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 in DVC No.151 of 2019 in respect of the 1st petitioner and hence, this Criminal Original Petition is dismissed as against the 1st petitioner. However, this Court is inclined to quash the proceedings in DVC.No.151 of 2019, on the file of the Additional Mahila Metropolitan Magistrate Court, Egmore, Chennai, insofar as the petitioners 2 and 3 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 DVC.No.151 of 2019, on the file of the Additional Mahila Metropolitan Magistrate Court, Egmore, Chennai, 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 the 1st petitioner/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 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. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

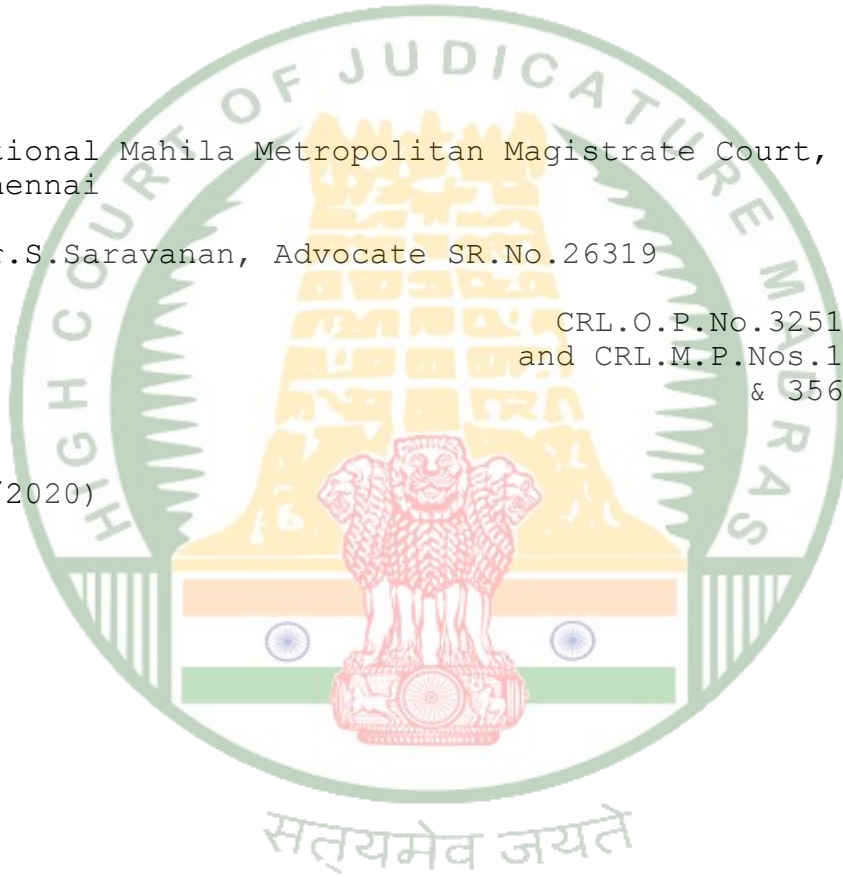
To

The Additional Mahila Metropolitan Magistrate Court,
Egmore, Chennai

+1cc to Mr.S.Saravanan, Advocate SR.No.26319

CRL.O.P.No.3251 of 2020
and CRL.M.P.Nos.1890, 1891
& 3567 of 2020

PP (CO)
GMY (28/08/2020)



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