

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2020

CORAM:

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

CRL.O.P.No.3905 of 2020
and CRL.M.P.Nos.2245 and 2246 of 2020

1. Naresh
2. Nagalakshmi
3. Naveen

.... Petitioners/Accused 1to3
Vs.

K.P.SindhujaRespondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records of DVC No.3 of 2020 pending on the file of the Judicial Magistrate, Ambattur, Chennai and quash the same.

For Petitioners: M/s.S.P.Arthi

For Respondent : Mr.S.L.Sudarsanam

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.3 of 2020, filed by the respondent herein, pending on the file of the Judicial Magistrate, Ambattur, Chennai.

2. The second and third petitioners are in-laws of the respondent and the marriage between first petitioner/Naresh and the respondent Viz.,K.P.Sindhuja was solemnized on 2307.02.2018. 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.3 of 2020, on the file of the Judicial Magistrate, Ambattur, 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.3 of 2020 is pending for trial. At this stage, the petitioners herein who are the in-laws of the respondent pray to quash the proceedings in D.V.C.No.3 of 2020.

3. Heard M/s.S.P.Arthi, learned counsel for the petitioners and Mr.S.L.Sudarsanam, 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 second and third petitioners 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 these petitioners 2 and 3, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners 2 and 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 these petitioners. In the absence of the same, the proceedings as against the petitioners 2 and 3 cannot be maintained and consequently, the petitioners 2 and 3 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 D.V.C.No.3 of 2020, on the file of the Judicial Magistrate, Ambattur, Chennai, insofar as the petitioners 2 and 3 are concerned, on condition that, they shall ensure that the first 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.3 of 2020, on the file of the Judicial Magistrate, Ambattur, 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. Accordingly, this criminal original petition is allowed as against the petitioners 2 and 3 alone. Insofar as A1/first petitioner/husband of the respondent is concerned, since the impugned proceedings in D.V.C.No.3 of 2020 is pending from the year 2020 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. A1/first 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. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kv

To

The Judicial Magistrate, Ambattur, Chennai

CRL.O.P.No.3905 of 2020

VS (CO)
RMP (31/08/2020)



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