

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.07.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 3808 of 2020
and
Crl.M.P.Nos.2209 and 2211 of 2020

1. Natarajan

2. Kasthoori ... Petitioners

Vs

1. P. Komala

2. P. Shanmugapriya

3. P. Tanushka

(Respondents Nos.2 and 3 are minors represented by next friend 1st respondent as in the capacity of natural guardian)

... Respondents

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying to call for the records in D.V.C.No.20 of 2018 on the file of the learned Judicial Magistrate-I, at Puducherry and quash all further proceedings.

For Petitioners: Mr.Prakash Adiapadam

For Respondents: No Appearance.

ORDER

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.20 of 2018, filed by the respondents herein, pending on the file of the learned Judicial Magistrate-I, at Puducherry.

2. The petitioners are in-laws of the first respondent and the marriage between Al/Pakiaraj and the first respondent Viz., P.Komala was solemnized on 13.11.2006. Thereafter, due to matrimonial disputes the first respondent and her husband were living separately from the matrimonial home. Under this circumstance, the respondents herein filed a petition under

Domestic Violence Act in D.V.C. No.20 of 2018 on the file of the learned Judicial Magistrate-I, at Puducherry and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.C.20 of 2018 is pending for trial. At this stage, the petitioners herein who are the in-laws of the first respondent pray to quash the proceedings in D.V.C.No.20 of 2018.

3. Heard Mr.Prakash Adiapadam, learned counsel for the petitioners.

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 petitioners herein are only in-laws of the respondent and they are living separately. As such, the protection order sought for by the first respondent herein in the domestic violence case against these petitioners/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 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 these petitioners. In the absence of the same, the proceedings as against these petitioners cannot be maintained and consequently, the petitioners 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 DVC.No.20 of 2018, on the file of the learned Judicial Magistrate-I, at Puducherry, insofar as these petitioners are concerned, on condition that, they shall ensure that the A1/husband of the first 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.20 of 2018, on the file of the learned Judicial Magistrate-I, at Puducherry, 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 A1/husband of the first respondent is concerned, since the impugned proceedings in DVC.No.20 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. A1/husband of the first respondent is directed to appear before the trial Court on the next hearing date, failing which, the respondents are at liberty to approach this Court.

7. In the result, this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

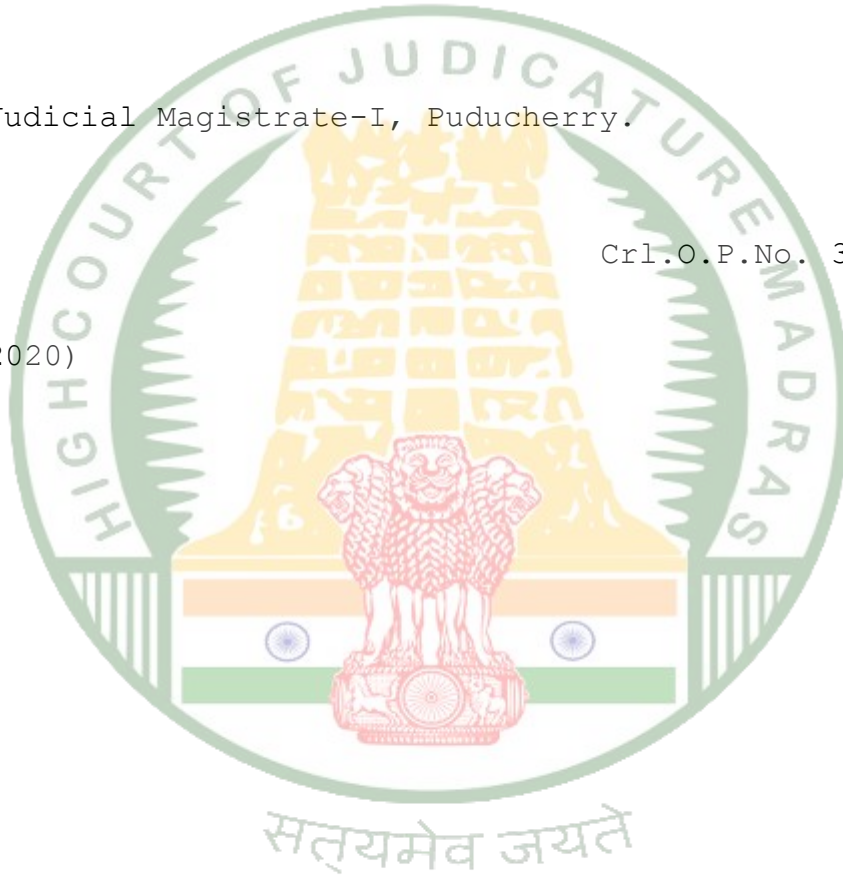
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To

The Judicial Magistrate-I, Puducherry.

Crl.O.P.No. 3808 of 2020

LN(CO)
SP(06/10/2020)



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