

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2020

CORAM:

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

CRL. O.P. No.5249 of 2020
and
CRL.M.P. No.2996 of 2020

1. Shanmugam,
S/o. Kathiresan.

2. Lalitha,
W/o. Shanmugam. S.K.

3. Mekala,
D/o. Shanmugam. S.K.

All the petitioners are residing at
No.312, Narayanasamy Street,
1st Floor, Neat Nursery Garden,
Peramnur, Salem - 636 007.

... Petitioner

Vs.

Anusha Balasubramaniam,
D/o. Balasubramaniam,
No.244, Jeyam Flats,
M.T.H. Road, Villivakkam,
Chennai - 600 040.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records and quash the proceedings of D.V.C .No.122 of 2018 pending before the file of the learned Additional Judge Mahila Court (Metropolitan Magistrate), Egmore.

For Petitioners: Mr. J.Suresh
For Respondent : No Appearance

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O R D E R

This Criminal Original Petition has been filed to call for the records and quash the proceedings of D.V.C .No.122 of 2018 pending before the file of the learned Additional Judge Mahila Court (Metropolitan Magistrate), Egmore.

2. The petitioners are in-laws of the respondent and the marriage between Rajesh and the respondent Viz., Anusha

Balasubramaniam was solemnized on 29.05.2015. 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 DVC. No. 122 of 2018 on the file of the Additional Judge Mahila Court, (Metropolitan Magistrate), Egmore, Chennai and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said DVC. No. 122 of 2018 is pending for trial. At this stage, the petitioners herein who are the in-laws of the respondent pray to quash the proceedings in DVC. No. 122 of 2018.

3. 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 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/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. 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. 122 of 2018, on the file of the Additional Judge Mahila Court, (Metropolitan Magistrate), Egmore, in so far as these petitioners are concerned, on condition that, they shall ensure that the 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. 122 of 2018, on the file of the Additional Judge Mahila Court, (Metropolitan Magistrate), Egmore, 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. In so far as husband of the respondent is concerned, since the impugned proceedings in DVC. No. 122 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. The 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 petition is closed.

Sd/-

Assistant Registrar (CS-III)

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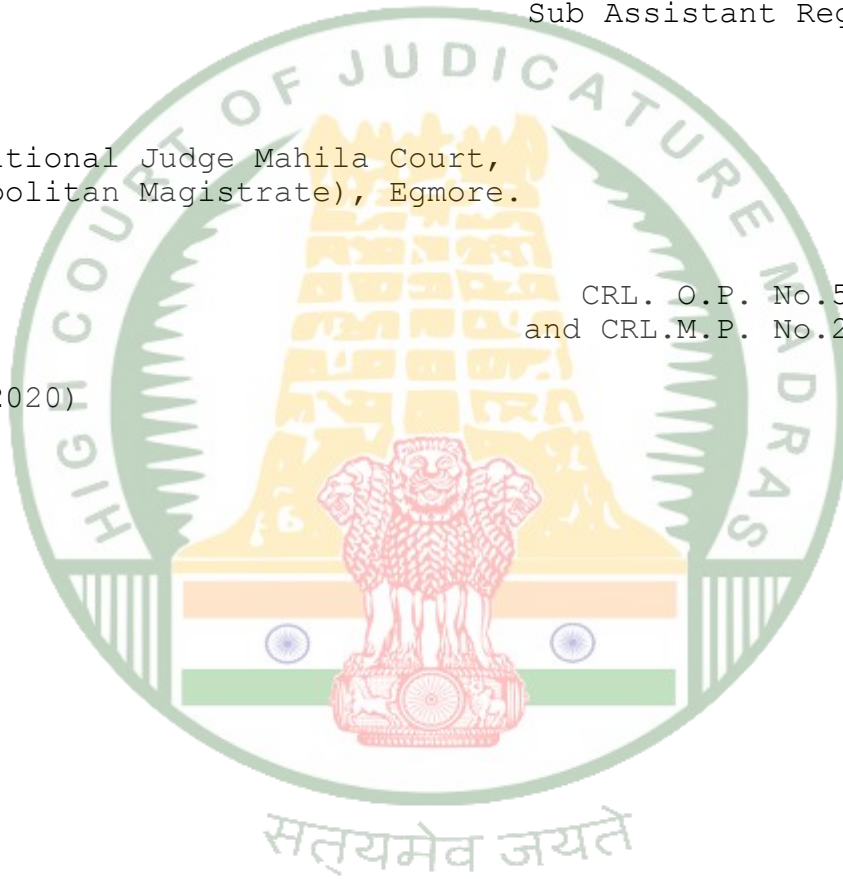
Sub Assistant Registrar

To

1.The Additional Judge Mahila Court,
(Metropolitan Magistrate), Egmore.

CRL. O.P. No.5249 of 2020
and CRL.M.P. No.2996 of 2020

AJS (CO)
GN (02/11/2020)



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