

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2020

CORAM:

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

CRL.O.P.No.5455 of 2020
and CRL.M.P.No.3090 of 2020

1.Jayakkumar
2.Shanmugam
3.Devi
4.Revathi

...Petitioners / 1 to 3 & 5
Respondents

Vs.

Kurinchimalar ...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in D.V.A.No.1 of 2018, pending on the file of the learned District Munsif cum Judicial Magistrate Court, Perundurai and quash the proceedings as far as the petitioners are concerned.

For Petitioners: Mr.V.S.Kesavan

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.A.No.1 of 2018, filed by the respondent herein, pending on the file of the learned District Munsif cum Judicial Magistrate Court, Perundurai.

2.The petitioners are in-laws of the respondent and the marriage between the Jayakkumar and the respondent Viz., Kurinchimalar, was solemnized on 20.11.2016. 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.A.No.1 of 2018 on the file of the learned District Munsif cum Judicial Magistrate Court, Perundurai and implicated

the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.A. No.1 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 D.V.A.No.1 of 2018.

3. Heard Mr.V.S.Kesavan, learned counsel for the petitioners and there is no representation 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. As such, the protection order sought for by the respondent herein in the domestic violence case against the petitioners, 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 the petitioners. In the absence of the same, the proceedings as against the 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 D.V.A.No.1 of 2018, on the file of the learned District Munsif cum Judicial Magistrate Court, Perundurai, insofar as the petitioners are concerned, on condition that, she 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 D.V.A.No.1 of 2018, on the file of the learned District Munsif cum Judicial Magistrate Court, Perundurai, 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 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 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 insofar as the petitioners 2 to 4 are concerned. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gbi

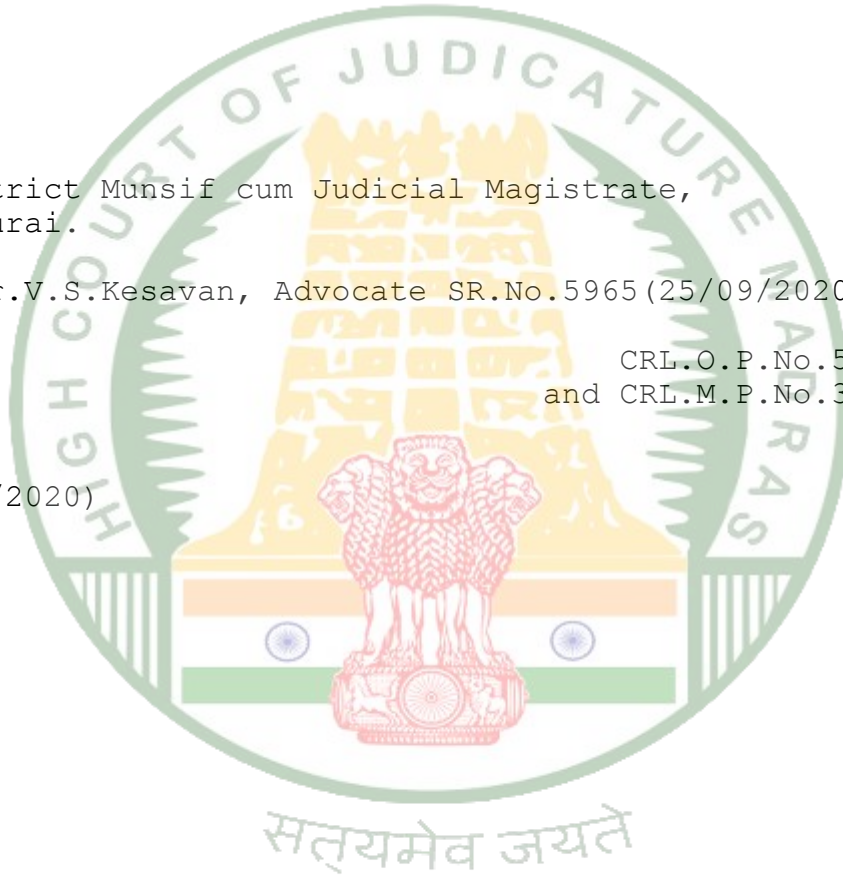
To

1.The District Munsif cum Judicial Magistrate,
Perundurai.

+1cc to Mr.V.S.Kesavan, Advocate SR.No.5965(25/09/2020)

CRL.O.P.No.5455 of 2020
and CRL.M.P.No.3090 of 2020

MG (CO)
RMP (14/09/2020)



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