

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2020

CORAM:

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

Crl.O.P.No.5792 of 2020 and

Crl.M.P.No.3299 of 2020

1.S.Sujatha F/A 50 years,
W/o. V.Sridhar

2.V.Sridhar M/A 58 years,
S/o.K.T.Viswanathan,
both presently at
Sreeramyam,
P.O.Karingarapully,
Kadamkode via Palaghat
Pin - 678 551.

.... Petitioners

Vs

G.Bhanu Priyadharshini /A 29 years,
D/o. C.Ganesan,
No.49/2, S.Samichetty Street,
Egmore, Chennai - 600 008.

.... Respondent

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code to call for the records pertaining to D.V.C.No.149 of 2019 pending before the Additional Mahila Court, Egmore, Chennai, and quash all further proceedings in respect of the above case insofar as the petitioners are concerned.

For Petitioners :Mr.M.Abdul Razack

O R D E R

This petition has been filed to call for the records pertaining to D.V.C.No.149 of 2019 pending before the Additional Mahila Court, Egmore, Chennai, and quash all further proceedings in respect of the above case insofar as the petitioners are concerned.

2. The petitioners are in-laws of the respondent and the marriage between Al/Srijan and the respondent Viz.,Bhanu Priyadharshini was solemnized on 26.03.2017 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.149 of 2019 on the file of the Additional Mahila 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.A.149 of 2019 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.149 of 2019.

3. Heard Mr.M.Abdul Razack learned counsel for the petitioners.

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 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 DVA.No.149 of 2019, on the file of the Additional Mahila Court, Egmore, Chennai, insofar as these petitioners are concerned, on condition that, they shall ensure that the A1/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 DVA.No.149 of 2019, on the file of the Additional Mahila 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 A1/husband of the respondent is concerned, since the impugned proceedings in DVA.No.149 of 2019 is pending from the year 2019 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 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.

-s/d-
Assistant Registrar

True Copy

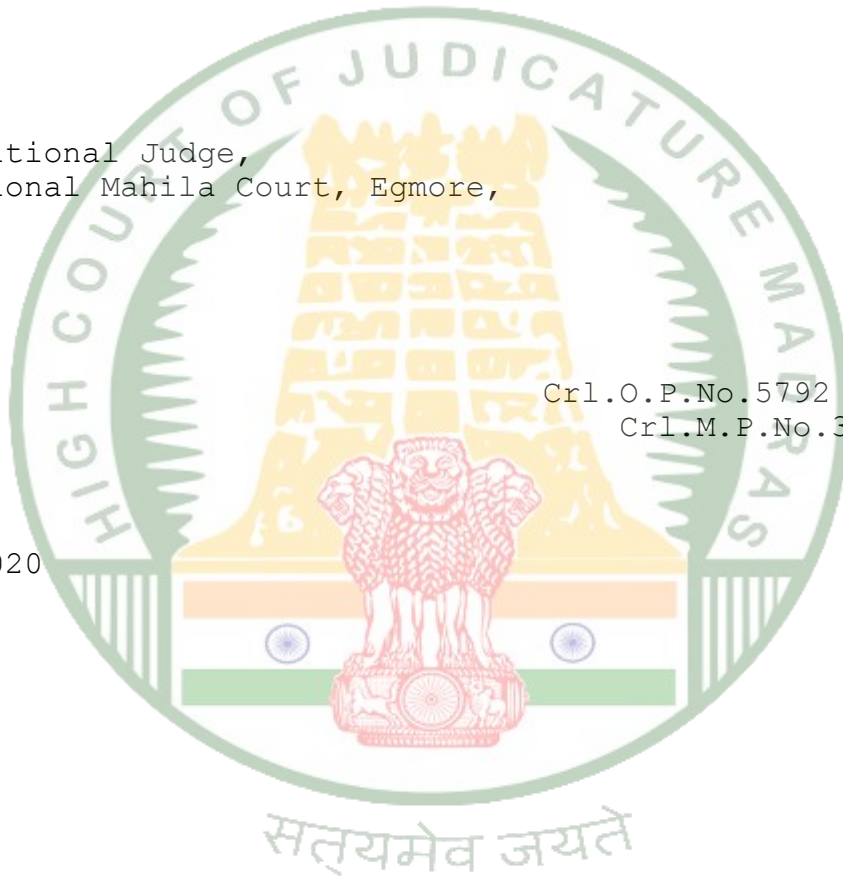
Sub-Assistant Registrar

vsn

To
1.The Additional Judge,
The Additional Mahila Court, Egmore,
Chennai,

CrI.O.P.No.5792 of 2020 and
CrI.M.P.No.3299 of 2020

br (co)
aa20/10/2020



WEB COPY