

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM:

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

CRL.O.P.No.7094 of 2020

1. G.Ravikumar
S/o. M.S.Ganesan
 2. M.S.Ganesan,
S/o. Srinivasan.
 3. G.Shyamala
W/o. M.S.Ganesan
(Petitioners 1 to 3 residing at
No.49, Kurunchi Nagar Extension,
8th Cross, Lawspet,
Puducherry - 605 008.
 4. R.Meenakshi,
W/o. T.Ramesh,
Manjukudi Agraharam,
Kudavasal Taluk,
Thiruvaur District. ... Petitioners
- Vs.
- Jayanthi
D/o. Late Subramanian,
Door No.35, Sendankudiperia Street,
Mayiladuthurai, Nagapattinam - 609 001. ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to D.V.C. No.4 of 2020 dated 29.01.2020 filed before the Hon'ble Judicial Magistrate, Mayiladuthurai by the respondent under the Protection of Women from Domestic Violation Act, 2005 (Act 43 of 2005) and quash the same in so far as the petitioners are concerned.

For Petitioners : Ms. C.Uma
For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed to call for the records relating to D.V.C. No.4 of 2020 dated 29.01.2020 filed before the Hon'ble Judicial Magistrate, Mayiladuthurai by the respondent under the Protection of Women from Domestic

Violation Act, 2005 (Act 43 of 2005) and quash the same in so far as the petitioners are concerned.

2. The petitioners are in-laws of the respondent and the marriage between one G.Balaji and the respondent Viz., Jayanthi was solemnized on 10.03.2019. 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.4 of 2020 on the file of the Judicial Magistrate, Mayiladuthurai 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.4 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. 4 of 2020.

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.

4. In view of the above, this Court is inclined to quash the proceedings in D.V.C. No.4 of 2020, on the file of the Judicial Magistrate, Mayiladuthurai, 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 D.V.C. No. 4 of 2020, on the file of the Judicial Magistrate, Mayiladuthurai, 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.

5. The trial Court is directed 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.

6. In the result, this Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

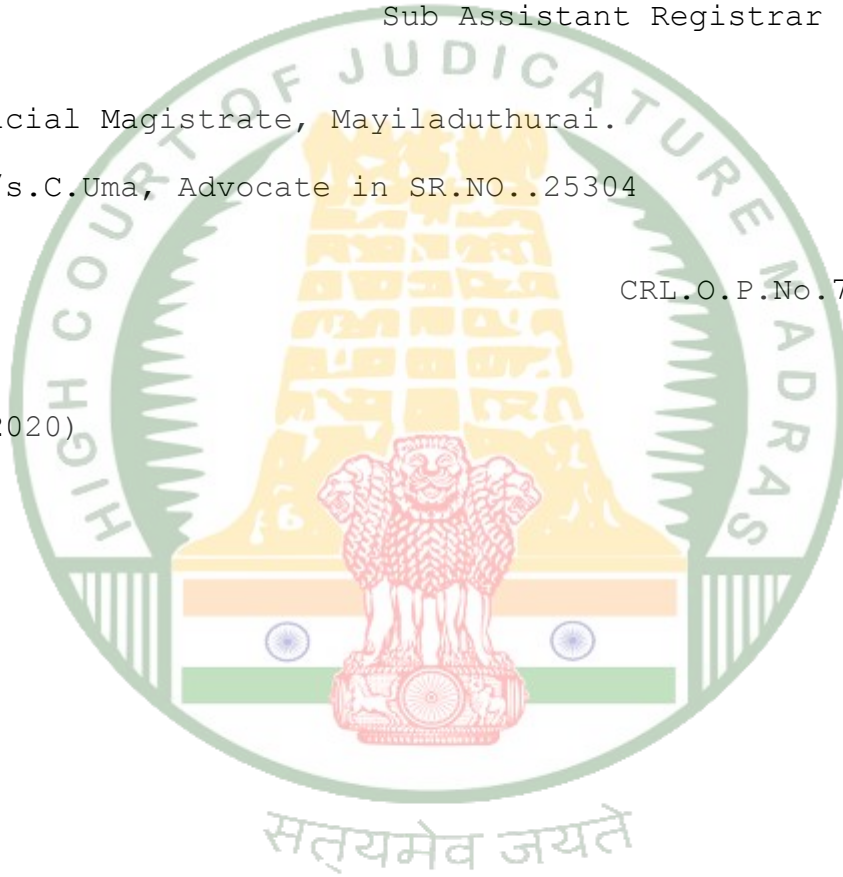
To

1.The Judicial Magistrate, Mayiladuthurai.

+1cc to M/s.C.Uma, Advocate in SR.NO..25304

CRL.O.P.No.7094 of 2020

KS (CO)
RV(16/10/2020)



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