

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.7031 of 2020

- 1.G.Loganthan, (M/25 years), S/o.Ganesan.
- 2.G.Neelaveni, (F/45 years),W/o.Ganesan.

Petitioners 1 and 2 are residing at
No.1/32, Yadhavar Street,
Karalapakkam Post and Village,
Tiruvallur District - 602 024.

- 3.B.Yamini, (F/24 years),W/o.Boopalan.
- 4.G.Boopalan (M/31 years),
S/o.Govindharajan,
Petitioners 3 and 4 are residing at No.21, Karnan Street,
Kovilpathagai, Tiruvallur District - 600 062.
- 5.M.G.Magesh (M/22 years),
S/o.Ganesan,
No.1/32, Yadhavar Street,
Karalapakkam Post and Village,
Tiruvallur District - 602 024.

... Petitioners/Respondent

Vs.

L.Manjula (F/21 years),
W/o.Loganathan,
No.1/450-14, Ranga Nagar,
Vaishanavi Garden,
Avinashi Taluk, Tiruppur District.

Presently residing at: सत्यमेव जयते
No.1/32, Yadhavar Street,
Karalapakkam Post and Village,
Tiruvallur District - 602 024.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records and to quash the complaint D.V.C.No.1 of 2020, on the file of the Judicial Magistrate, Avinashi and quash the same.

For Petitioners: M/s.Chandrasekaran
For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in DVC.No.1 of 2020, filed by the respondent herein, pending on the file of the Judicial Magistrate, Avinashi.

2. The 1st petitioner is the husband of the respondent and the petitioners 2 to 5 are in-laws of the respondent and the marriage between the 1st petitioner and the respondent Viz., L.Manjula, was solemnized on 14.11.2018. 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.1 of 2020 on the file of the Judicial Magistrate, Avinashi, 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.1 of 2020 is pending for trial. At this stage, the petitioners herein who are the husband and in-laws of the respondent pray to quash the proceedings in D.V.C.No.1 of 2020.

3. Heard M/s.Chandrasekaran, 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 2 to 5, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners 2 to 5 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 2 to 5. In the absence of the same, the proceedings as against the petitioners 2 to 5 cannot be maintained and consequently, the petitioners 2 to 5 need not undergo the ordeal of facing a criminal trial.

5. In view of the above, this Court is not inclined to quash the proceedings in D.V.C No.1 of 2020 in respect of the 1st petitioner and hence, the Criminal Original Petition is dismissed as against the 1st petitioner. However, this Court is inclined to quash the proceedings in D.V.C.No.1 of 2020, on the file of the Judicial Magistrate, Avinashi, insofar as the petitioners 2 to 5 are concerned, on condition that, she shall ensure that the 1st petitioner/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.1 of 2020, on the file of the Judicial Magistrate, Avinashi, 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 1st petitioner/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 1st petitioner/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 5 are concerned.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate, Avinashi.

CRL.O.P.No.7031 of 2020

VS (CO)

SP(01/10/2020)

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