

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.12953 of 2020

and

CrI.M.P.Nos.5053 & 5054 of 2020

1. Mrs.Selva, F/70 years,
W/o.Umapathy

2. Baladhandapani, M/50 years,
S/o.Seetharaman

3. Revathy, F/45 years,
W/o.Baladhandapani

Petitioners 1 to 3 are all residing
at No.62-A, Thiruvallur Street,
Jagathambigai Nagar,
Padi, Chennai - 600 050.

... Petitioners/Respondents
2, 4 & 5

Vs

Jayalakshmi,
D/o.Late Varadhan,
New No.4, Old No.2/3,
V.G.P Layout,
First Lane, Saidapet,
Chennai - 600 015.

... Respondent/Petitioner

Prayer:Criminal Original Petition filed under Section 482
Cr.P.C., to call for records in M.C.No.62 of 2015 pending on the
file of learned IX Metropolitan Magistrate, Saidapet, Chennai
and quash the same.

For Petitioners : Mr.V.V.Sairam
For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed to quash the
proceedings in M.C.No.62 of 2015, filed by the respondent
herein, pending on the file of the learned IX Metropolitan
Magistrate, Saidapet, Chennai.

2. The petitioners are in-laws of the respondent and the marriage between A1/Harikrishnan and the respondent Viz., Jayalakshmi was solemnized on 18.11.2009. 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 M.C. No.62 of 2015 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said M.C. No.62 of 2015 is pending for trial. At this stage, the petitioners herein who are the in-laws of the respondent pray to quash the proceedings in M.C.No.62 of 2015.

3. Heard Mr.V.V.Sairam learned counsel for the petitioners. Though notice has been served to the respondent. But, none appeared on behalf of the respondent in person or through pleader.

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 M.C..No.62 of 2015, on the file of the learned IX Metropolitan Magistrate, Saidapet, 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 M.C.No.62 of 2015, on the file of the learned IX Metropolitan Magistrate, Saidapet, 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 M.C.No.62 of 2015 is pending from the year 2015 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 petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

vsn

To

The IX Metropolitan Magistrate, Saidapet, Chennai.

Crl.O.P.No.12953 of 2020

and

Crl.M.P.Nos.5053 & 5054 of 2020

SRA (CO)
GS (20/10/2020)

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