

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM:

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

CRL.O.P.No.12151 of 2019
and
CRL.M.P.No.6314 of 2019

M.Saila

... Petitioner

Vs.

Subha

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in D.V.C.No.25 of 2019 on the file of Additional Mahila Court/Magisterial Level, Krishnagiri, Krishnagiri District and set aside the proceedings therein in so far as it relates to the petitioner herein.

For Petitioner : Mr.L.Mahendran

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed to call for the records in D.V.C.No.25 of 2019 on the file of Additional Mahila Court/Magisterial Level, Krishnagiri, Krishnagiri District and set aside the proceedings therein in so far as it relates to the petitioner.

2. The petitioner is mother-in-law of the respondent and the marriage between Suresh Babu and the respondent Viz., Subha was solemnized on 24.10.1996. Out of the wedlock a male and a female child were born. Due to the difference of opinion between them, they were living separately due to the reason that the petitioner herein is hindrance for their re-union. Under this circumstance, the respondent herein filed a petition under Domestic Violence Act in D.V.C.No.25 of 2019 on the file of the learned Additional Mahila Court/Judicial Magistrate level, Krishnagiri, Krishnagiri District and impleaded the petitioner as parties to the petition and sought action as against her under Domestic Violence Act. The said D.V.C.No.25 of 2019 is pending for trial. At this stage, the petitioner herein who is the mother-in-law of the respondent pray to quash the proceedings in D.V.C.No.25 of 2019.

3. Heard Mr.L.Mahendran, learned counsel for the petitioner.

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 petitioner herein is only mother-in-law 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 the petitioner/mother-in-law, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioner 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 petitioner. In the absence of the same, the proceedings as against the petitioner cannot be maintained and consequently, the petitioner 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 DVC.No.25 of 2019, on the file of the learned Additional Mahila Court/Judicial Magistrate level, Krishnagiri, Krishnagiri District, insofar as the petitioner is 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 DVC.No.25 of 2019, on the file of the learned Additional Mahila Court/Judicial Magistrate level, Krishnagiri, Krishnagiri District, as ad-interim maintenance, without prejudice to both the parties, failing which this order shall stand automatically canceled. On such deposit being made, the respondent is entitled to withdraw the same.

6. Insofar as the husband of the respondent is concerned, since the impugned proceedings in DVC.No.25 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. 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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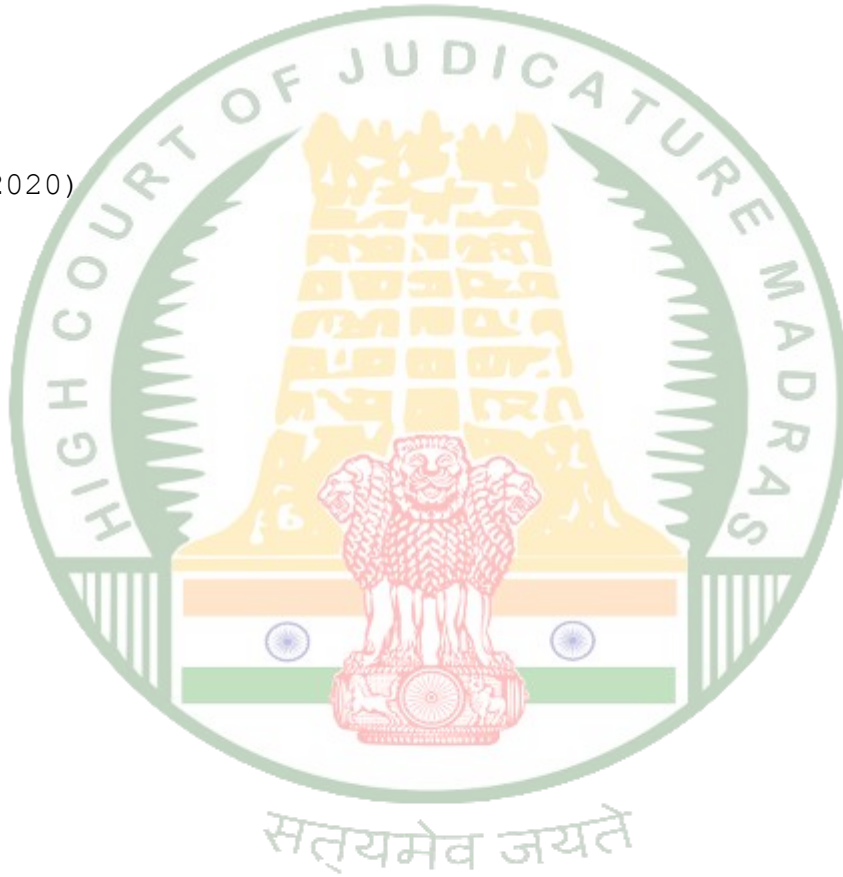
Sub Assistant Registrar

To

1. The Additional Mahila Court/Magisterial Level,
Krishnagiri.
2. The Public Prosecutor,
High Court of Madras.

CRL.O.P.No.12151 of 2019

RLD (CO)
GS (26/08/2020)



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