

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 21700 of 2017

and

Crl.M.P.Nos.12733 and 12734 of 2017

1.Azhagurathi

2.M.Pooja Maithily

... Petitioners/Accused Nos.2 & 3

Vs

C.Christina

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records relating to the complaint in D.V.C.No.50 of 2017, pending on the file of the Judicial Magistrate Court/Additional Mahila Court, Salem, and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.50 of 2017, filed by the respondent herein, pending on the file of the learned Judicial Magistrate Court/Additional Mahila Court, Salem.

2. The petitioners are in-laws of the respondent and the marriage between A1/Samantha and the respondent Viz.,C.Christina was solemnized on 09.02.2015. 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.50 of 2017, on the file of the learned Judicial Magistrate Court/Additional Mahila Court, Salem 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.50 of 2017 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.50 of 2017.

3. Heard Mr.N.Manokaran, learned counsel for the petitioners and Mr.M.Mohamed Riyaz. learned Additional Public Prosecutor, appearing 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. 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 D.V.C.No.50 of 2017, on the file of the learned Judicial Magistrate Court/Additional Mahila Court, Salem.

6. Insofar as A1/husband of the respondent is concerned, since the impugned proceedings in DVC.No.50 of 2017 is pending from the year 2017 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

ub

To

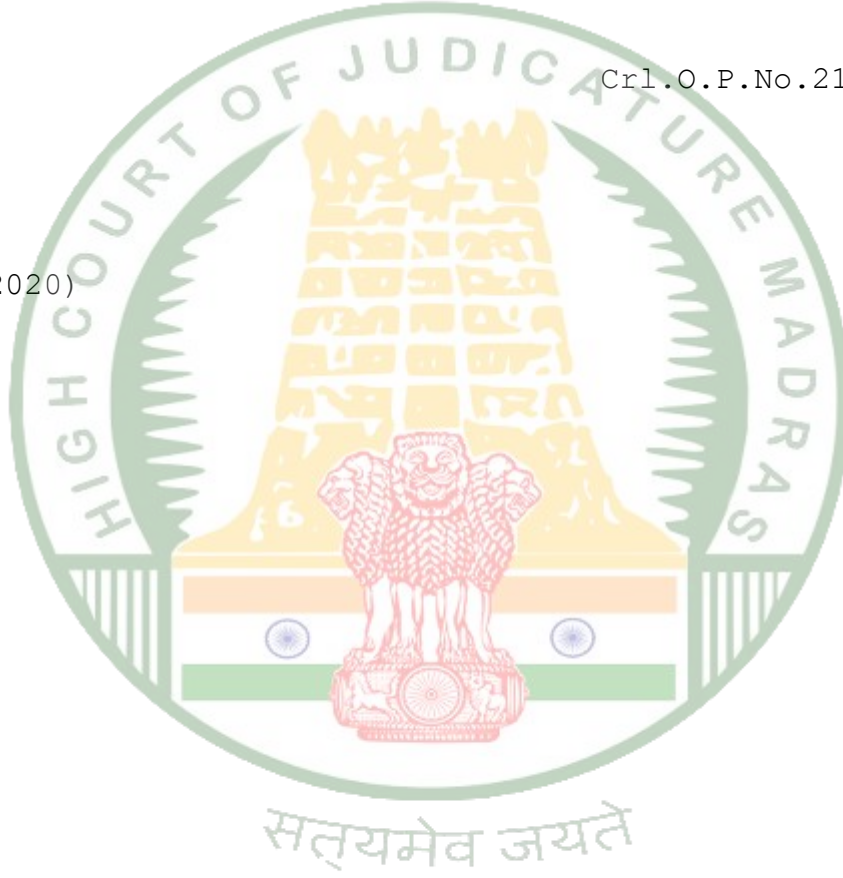
1.The Judicial Magistrate ,Additional Mahila Court,
Salem.

2.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.N.Manokaran, Advocate, Sr.No.21854

Crl.O.P.No.21700 of 2017

GJ(CO)
GS(05/06/2020)



WEB COPY