

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.Nos.16768 & 19524 of 2017

and Crl.MP.Nos.10294, 10295, 11793 & 11794 of 2017

1. K.Nammalvar
S/o.S.Kandasamy.
No.194/51, A Block,
Swamy Ramalinga Colony,
Ponnamman Medu,
Chennai - 600 110.

2. N.Saraswathi
W/o.K.Nammalvar,
No.194/51, A Block,
Swamy Ramalinga Colony,
Ponnamman Medu,
Chennai - 600 110.

... Petitioners in
Crl.O.P.No.16768 of 2017

N.Priya
W/o.R.Selvakumar,
No.10, Krishnanagar,
Ponnammanmedu,
Chennai - 600 110

... Petitioner in
Crl.O.P.No.19524 of 2017

Vs.

Harithalakshmi
W/o.N.Prasad,
No.2, C Roselyn Garden Apartments,
Barnaby Road,
Kilpauk,
Chennai - 600 010.

... Respondent in
both Crl.O.P.s

COMMON PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records the proceedings in D.V.C.No.186 of 2017, on the file of the Additional Mahila Court (Magisterial Level), Allikulam, Chennai, and quash the same in respect of the petitioners herein.

For Petitioners
in both Crl.O.Ps.: Mr.P.K.Rajagobal
For Ms.K.Santhakumari

For Respondent
in both Crl.O.Ps.: No appearance

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings initiated under the Domestic Violence Act in D.V.C.No.186 of 2017, by the respondent herein, pending on the file of the Mahila Court (Magisterial Level), Allikulam, Chennai, as against the petitioners.

2. The petitioners are in-laws of the respondent and the marriage between A1/N.Prasad and the respondent Viz., Harithalakshmi was solemnized on 27.11.2011. 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.186 of 2017 on the file of the Mahila Court, Allikulam, Chennai and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.C.186 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.186 of 2017.

3. Heard Mr.P.K.Rajagobal, learned Counsel appearing for the petitioner. Though notice served to the respondent, no one is appeared on behalf of her.

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. More over this Court by an order dated 20.07.2020 quashed the proceeding as against the husband of the respondent in Crl.O.P.No.29476 of 2017, on the ground of limitation. 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 discussion, this Court is of the considered opinion that the complaint lodged by the respondent under the Domestic Violence Act cannot be sustained as against the petitioners. Accordingly, both the Criminal Original Petitions are allowed and the entire proceeding in D.V.C.No.186 of 2017 on the file of the Mahila Court (Magisterial Level), Allikulam, Chennai, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Proceeding Officer,
Mahila Court (Magisterial Level),
Allikulam, Chennai,

CRL.O.P.Nos.16768 & 19524 of 2017
and Crl.MP.Nos.10294, 10295,
11793 & 11794 of 2017

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