

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM:

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

CRL.O.P.No. 31388 of 2019

and

CRL.M.P.Nos.17152 and 17153 of 2019

1. K.Lakshmikanthan

2. L.Amudha

3. V.Menkapriya ...Petitioners/Respondents 2 to 4

Vs.

S.Porkodi ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the complaint in D.V.C.No.124 of 2019 pending on the file of the learned Additional Metropolitan Mahila Court, Egmore, Chennai quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.N.Manoharan

For Respondent : Mr.S.Shujath

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.124 of 2019, filed by the respondent herein, pending on the file of the Additional Metropolitan Mahila Court, Egmore, Chennai.

2. The petitioners are in-laws of the respondent and the marriage between Al/Kalidasan and the respondent Viz.,Porkodi was solemnized on 06.11.2016. 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.124 of 2019 on the file of the Additional Metropolitan Mahila Court, Egmore, 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.No.124

of 2019 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.124 of 2019.

3. Heard Mr.N.Manoharan, learned counsel for the petitioners and Mr.S.Shujath, learned counsel 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.124 of 2019, on the file of the Additional Metropolitan Mahila Court, Egmore, Chennai.

6. Insofar as A1/husband of the respondent is concerned, since the impugned proceedings in D.V.C.No.124 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. 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

kv

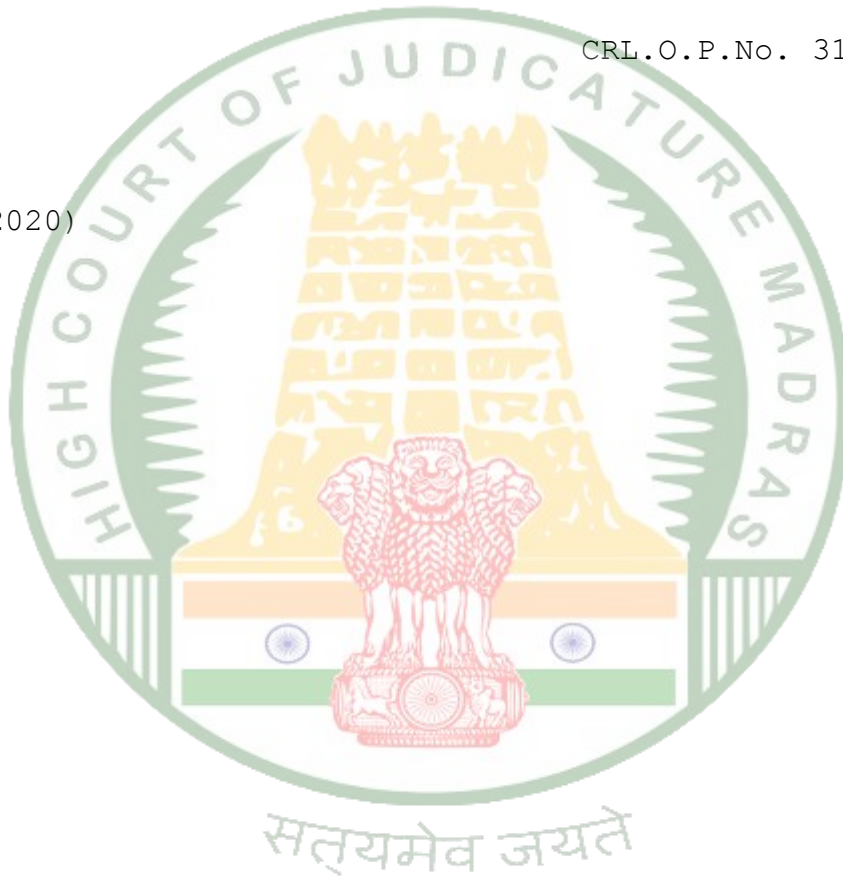
To

1. Additional Metropolitan Mahila Court,
Egmore,
Chennai.

+lcc to Mr.N.Manoharan, Advocate, S.R.No.21855

CRL.O.P.No. 31388 of 2019

NMI (CO)
RN (02/06/2020)



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