

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2020

CORAM:

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

CRL.O.P.No.33952 of 2019
and
CRL.M.P.Nos.18741 &18742 of 2019

1.P.Vasanth
2.G.Padavettan
3.Annamalai S/o Murugan
4.Thenmozhi
5.T.Kirubha ... Petitioners/Respondents 2 to 6

Vs.

1.The Protection Offier
Domestic Violence Act,
District Social Welfare Office,
Vellore District,
Vellore. ...Respondent/Complainant
2.P. Yuvarani ... Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in D.V.C.No.6 of 2019 on the file of the Judicial Magistrate No.II, Walajahpet and quash the proceedings as against these petitioners.

For Petitioners : Mr.S.Karthik

O R D E R

This Criminal Original Petition has been filed to call for the records in D.V.C.No.6 of 2019 on the file of the Judicial Magistrate No.II, Walajahpet and quash the proceedings as against these petitioners.

2. The petitioners are the in-laws of the second respondent, the marriage between Suresh and the second respondent Viz., P. Yuvarani was solemnized on 12.05.2008. Thereafter, due to matrimonial dispute, the second respondent and her husband were living separately. Under these circumstances, the second respondent herein has filed a petition under Domestic Violence Act in D.V.C.No.6 of 2019 on the file of the Judicial Magistrate No.II, Walajahpet and implicated the petitioners as parties in the petition and sought action as

against them under Domestic Violence Act, 2005. The said D.V.C.No.6 of 2019 is pending for trial. At this stage, the petitioners herein pray to quash the proceedings in D.V.C.No.6 of 2019.

3. Heard Mr.K.S.Kumar, learned counsel for the petitioners.

4. It is seen that the relief sought for by the second 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 and other relatives of the husband of the second 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, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners against the second 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.6 of 2019, on the file of the learned Judicial Magistrate No.II, Walajahpet, insofar as these petitioners are concerned, on condition that, they shall ensure that the husband of the second 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.6 of 2019, on the file of the learned Judicial Magistrate No.II, Walajahpet, as ad-interim maintenance, without prejudice to both the parties, failing which, this order shall stand automatically cancelled. On such deposit being made, the second respondent is entitled to withdraw the same.

6. Insofar as husband of the second respondent is concerned, since the impugned proceedings in DVC.No.6 of 2019 is pending, 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. Husband of the second respondent is directed to appear before the trial Court on the next hearing date, failing which, the second 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(CS III)

//True Copy//

Sub Assistant Registrar

gv

To

1. The Judicial Magistrate No.II,
Walajahpet.
2. The Chief Judicial Magistrate,
Vellore.
3. The Protection Officer,
Domestic Violence Act,
District Social Welfare Office,
Vellore District,
Vellore.

CRL.O.P.No.33952 of 2019
and
CRL.M.P.Nos.18741 &18742 of 2019

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