

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

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

CRL.O.P.No.27097 of 2018
and
CRL.M.P.Nos.15643 & 15645 of 2018

1.Narasimman
2.N.Rajeswari

... Petitioners/
Respondents 2&3

Versus

Kamatchi

...Respondent/
Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in D.V.No.21 of 2018 on the file of the learned Judicial Magistrate, Ambattur and quash the same.

For Petitioner : Mr.Babu Muthu Meeran. M
For Respondents : No Appearance

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V. No.21 of 2018, filed by the respondent herein, pending on the file of the learned Judicial Magistrate, Ambattur.

2.The petitioners are in-laws of the respondent and the marriage between the first petitioner's son K.N. Lakshminarayan and the respondent Viz., Kamatchi was solemnized on 07.09.2007. Thereafter, due to matrimonial disputes, the respondent and her husband were living separately. Under this circumstance, the respondent herein filed a petition under Domestic Violence Act in D.V. No.21 of 2018 on the file of the Judicial Magistrate, Ambattur by implicating the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V. No.21 of 2018 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. No.21 of 2018.

3.Heard Mr. M. Babu Muthu Meeran, learned counsel for the petitioners. None appear for the respondent.

4.It is seen that the respondent has sought the relief of residential rights, compensation, etc., and such relief can be made and claimed only 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 made therein, 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 the petitioners herein. 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. No.21 of 2018, on the file of the Judicial Magistrate, Ambattur, insofar as the petitioners herein are concerned, on condition that, they shall ensure that the A1/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 D.V. No.21 of 2018, on the file of the Judicial Magistrate, Ambattur, as ad-interim maintenance, without prejudice to both the parties, failing which this order shall stand automatically cancelled. On such deposit being made, the respondent is entitled to withdraw the same.

6.Insofar as A1/husband of the respondent is concerned, since the impugned proceedings in D.V. No.21 of 2018 is pending from the year 2018 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

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Sub Assistant Registrar

klt

To

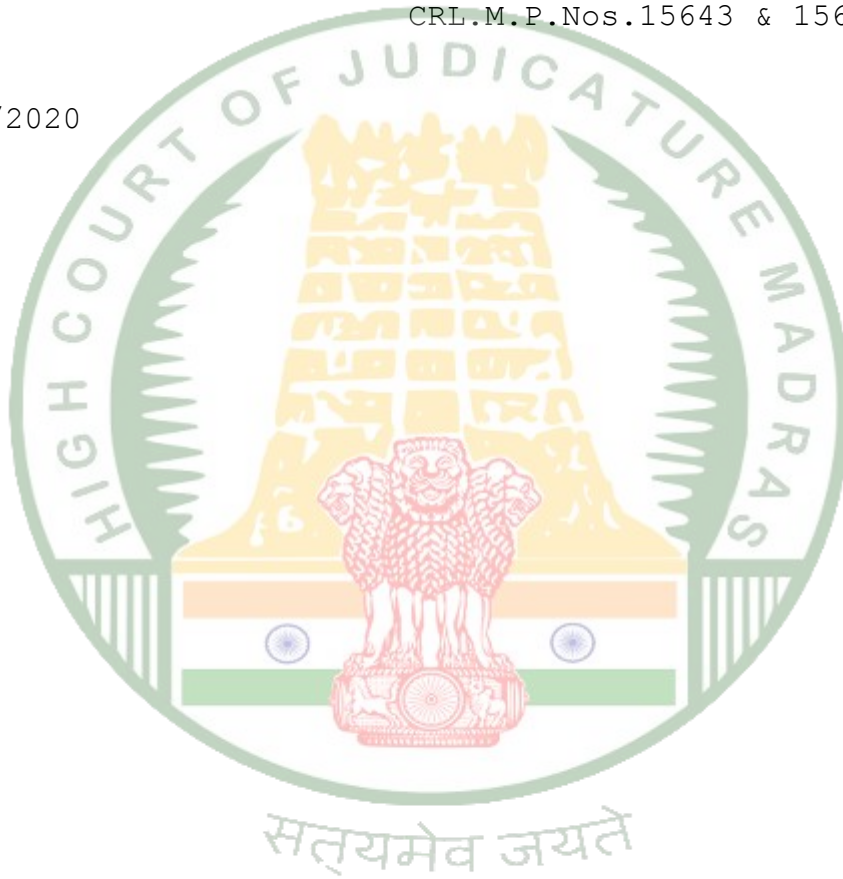
The Judicial Magistrate, Ambattur.

+1cc to Mr.M.Babu Muthu Meeran, Advocate Sr.No.23941

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and

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KKV/22/05/2020



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