



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.10.2020
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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Crl.O.P (MD) No.11096 of 2020
and
Crl.M.P (MD) Nos.5035 and 5036 of 2020

1.P.Krishnamoorthy
2.Punithavathi
3.P.Munusamy
4.Rajeswari
5.M.Lakshmi
6.Kajavalli

... Petitioners

Vs.

Shalini

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to D.V.C.No.16 of 2020, on the file of the Additional Mahila Court (JM Level), Thanjavur and quash the same as far as the petitioners are concerned.

For Petitioners : Mr.T.Veerakumar

ORDER

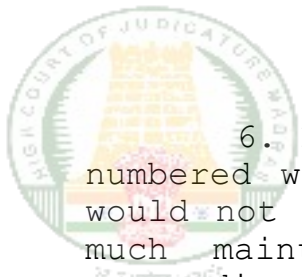
Heard the learned counsel appearing for the petitioners.

2.The respondent is the complainant in D.V.C.No.16 of 2020, on the file of the Additional Mahila Court, (JM Level), Thanjavur. The respondent got married to Baskar, who is the son of the first and second petitioners. The marriage had taken place on 11.11.2018.

3.It appears that the relationship had broken down. Therefore, the impugned complaint has been came to be filed.

4.The petitioners want this Court to quash the said complaint on the ground that the prayer made in the petition is for punishing the petitioners herein and the son of the first and second petitioners herein for the offences under Section 498 A IPC and Section 4 of Dowry Prohibition Act.

5.The petitioners' counsel's contention is right. Such a prayer could not have been made in a petition filed under the Protection Women from Domestic Violence Act. But, then this is not the only prayer sought for in the impugned D.V.C proceedings. There are two other prayers. Therefore, the impugned complaint cannot be quashed as a whole.



6. I am certain that though the petition had been erroneously numbered with the aforesaid prayer (a), certainly the Court below would not grant any relief. But then, prayer (b) and (c) are very much maintainable. Hence the question of quashing the D.V.C proceedings as a whole does not arise.

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7. The petitioners herein are only in-laws. They appear to be based in Thiruvannamalai District. The impugned D.V.C has been filed before the Additional Mahila Court, at Tanjore. Therefore, it will be physically difficult for the petitioners to travel down to Tanjore. Therefore, the Court below shall not insist on the physical presence of the petitioners herein even while insisting on the physical presence of Baskar, the son of the petitioners 1 and 2 herein. The appearance of the petitioners herein can as well be dispensed with. They need to appear before the Court below, only when the occasion is necessary specifically directed by the Court below. With this relief of dispensing with the personal appearance of the petitioners before the Court below and with the observation that the prayer (a) made in impugned D.V.C may not be maintainable, this Criminal Original Petition is disposed of. Consequently, Crl.M.P.(MD)Nos.5035 of 2020 is closed. I make it clear that all the defences of the petitioners are left open.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Additional Mahila Court (JM Level),
Thanjavur.

Crl.O.P(MD)No.11096 of 2020

and

Crl.M.P(MD)Nos.5035 and 5036 of 2020

09.10.2020

das

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