



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P.(MD).No.11811 of 2020

and

Crl.M.P.(MD) Nos.5413 and 5417 of 2020

WEB COPY

1.S.R.Perumal

2.Annakamu

..Petitioners /Accused No. 2 & 3

vs.

1.Sumithra

2.Minor.Sanjay Ramasamy

3.Minor.Santhose

(The 1st respondent is the natural guardian
of 2nd and 3rd respondents) ..Respondents/Complainants

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for records relating to the complaint in D.V.M.C.No.2 of 2020 on the file of the Judicial Magistrate, Aundipatti and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.C.Susi Kumar

O R D E R

This Criminal Original Petition has been filed to call for records relating to the complaint in D.V.M.C.No.2 of 2020 on the file of the Judicial Magistrate, Aundipatti and quash the same insofar as the petitioners are concerned.

2.The case of the petitioners/accused 2 and 3 is that they are the father-in-law and mother-in-law of the 1st respondent who is their daughter-in-law who married their son/1st accused. According to the petitioners, there was difference of opinion between the 1st accused and the 1st respondent right from the date of marriage and the 1st respondent used to pick up frequent unnecessary quarrel with the petitioners and without informing them, she used to go to her parental home and the efforts taken by the petitioners to resolve the dispute went in vain and only in order to wreak vengeance, the 1st respondent has lodged the present false complaint in D.V.M.C.No.2 of 2020 on the file of the Judicial Magistrate, Aundipatti.

3.The learned counsel for the petitioners would state that the petitioners are not liable to pay compensation or maintenance to the 1st respondent, as the 1st accused and 1st respondent lead their life in a separate home and therefore, the petitioners would not



come under the share hold house under Section 2(s) of the Domestic Violence Act.

4.Heard the learned counsel for the petitioners and perused the materials available on record. In view of the order going to be passed, notice to the respondents is not necessary.

5.The Hon'ble Supreme Court by judgment dated 02.12.2019 in **Crl.A.No.1817 of 2019 in the case of M.Jayanthi vs. K.R.Meenakshi and another** has held as follows:-

''9.It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.''

6.Here in the present case, the complainant had made specific allegations in the complaint filed against the petitioners and therefore, the grounds raised in this petition can be gone into only in a full-fledged trial. However, considering the age of the petitioners, the personal appearance of the petitioners before the trial Court is dispensed with except during the dates on which, the learned Judicial Magistrate insists their appearance if it is necessary. Considering the facts and circumstance of the case, the learned Judicial Magistrate, Aundipatti, is directed to conclude the entire trial proceedings within a period of six months from the date of receipt of a copy of this order.

7.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

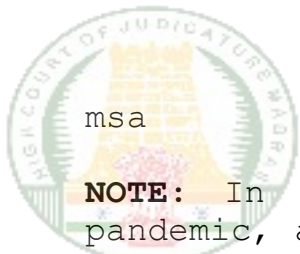
Sd/-

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 Judicial Magistrate, Aundipatti,
Theni District.

ORDER MADE IN
Crl.O.P.(MD).No.11811 of 2020 and
Crl.M.P.(MD) Nos.5413 and 5417 of 2020

VB (11.11.2020) 3P 2C