



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.13487 of 2016

and

Cr1 MP(MD)Nos.6284 and 6285 of 2016

1.M.Kumar

2.Thamilmani

3.Manickam

... Petitioners / Respondents

Vs.

K.Parimala

... Respondent/Petitioner

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in D.V No.2 of 2014 on the file of the Judicial Magistrate No.I, Kuzhithurai, Karur and quash the same.

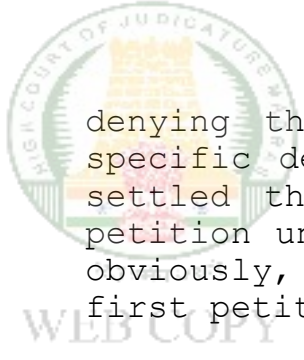
For Petitioners : Mr.V.Karuna
For Respondent : Mr.G.Manikandan

ORDER

The petitioners have been shown as the respondents in D.V No.2 of 2014 on the file of the Judicial Magistrate No.I, Kuzhithurai. It was instituted by the respondent herein. The case of the respondent is that she got married to the first petitioner herein and a female child was also born through the wedlock. Even according to the respondent, theirs' was a love marriage and it was opposed by both the families.

2.From a reading of the entire materials on record, it could be seen that the petitioners 2 and 3 herein were never part of the shared household. The first petitioner and the respondent were obviously having separate matrimonial home. The Hon'ble Supreme Court in more than one decision has held that the complaint under the provisions of the Protection of Women from Domestic Violence Act, 2005 will not lie against those who were not part of the shared household.

3.In this view of the matter, I have to necessarily come to the conclusion that the proceedings against the petitioners 2 and 3 herein is not maintainable. Therefore, it stand quashed as far as they are concerned. Even though the first petitioner has been



denying the matrimonial status with the respondent, there is no specific denial regarding the paternity of the child. It is well settled that the person in domestic relationship can maintain a petition under Section 12 of the Domestic Violence Act. Therefore, obviously, the impugned proceedings, will very much lie against the first petitioner herein.

4.The criminal original petition stands partly allowed. The court below is directed to conclude the proceedings on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. Without prejudice to the first petitioner's contention before the court below, the first petitioner comes forward to remit a sum of Rs.3,500/- per month in the bank account of the respondent. The liability of the first petitioner will commence from next month onwards. This will be subject to the final outcome of the impugned proceedings. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

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/ /2020

Sub Assistant Registrar(CS)

Skm

To
The Judicial Magistrate No.I,
Kuzhithurai, Karur.

+1 CC to M/s.G.MANIKANDAN, Advocate (SR-6356[F] dated 14/02/2020)

+1 CC to M/s.V.KARUNA, Advocate (SR-6357[F] dated 14/02/2020)

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