



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2020

CORAM:

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.(MD)No.15912 of 2016

and

Crl MP(MD)No.7643 of 2016

1.Venkatesan
2.Mathusuthanan
3.Ananthi
4.Lakshmanan
5.Kuppusamy
6.Abirami
7.Vaishanavi

... Petitioners/Respondents
Vs.

Meenakshi @ Meena

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in DVC.No.1 of 2016 pending on the file of the learned Judicial Magistrate No.III, Thanjavur and quash the same.

For Petitioners : Mr.Raguvaran Gopal

For Respondent : No Appearance

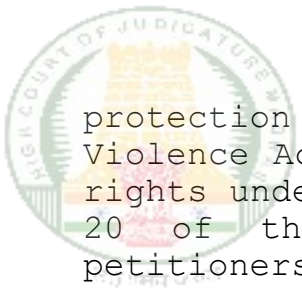
ORDER

Heard the learned counsel for the petitioners. No representation for the respondent despite notice.

2.Petition filed under Section 482 Cr.P.C., to quash the domestic violence case pending on the file of the learned Judicial Magistrate No.III, Thanjavur, which is registered based on the complaint given by the respondent, who is the wife of Seenivasan. These petitioners 1 to 3 are brothers and sisters of the said Seenivasan and the petitioners 4 and 5 are Seenivasan's sister's husband and the petitioners 6 and 7 are nieces of Seenivasan.

3.The perusal of the complaint in D.V.C.No.1 of 2016, which is in printed format, indicates that the respondent has sought for

<https://hcservices.ecourts.gov.in/hcservices/>



protection under Section 18 of the Protection of Women from Domestic Violence Act, 2005 (herein after referred as "Act") and residential rights under Section 19 of the Act and monetary relief under Section 20 of the Act. Besides, subsequently, alleged that these petitioners are threatening to kidnap her son.

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4.The learned counsel for the petitioners would submit that marriage between Seenivasan and Meenakshi @ Meena/respondent took place on 03.02.2002. Within five months, there was misunderstanding between the couple, which lead to their separation. The respondent gave birth to male child on 26.05.2003. After the child birth, mediation took place to unite the husband and wife. In the said mediation, the respondent refused to join with her husband, which lead to file a petition in H.M.O.P.No.117 of 2003 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. However, this petition was later withdrawn and the husband of the respondent has filed a petition in H.M.O.P.No.156 of 2008 on the file of the Sub-Court, Trichy for divorce.

5.It is submitted by the learned counsel for the petitioners that the divorce petition got dismissed. Against which, civil miscellaneous petition is preferred and the same is pending.

6.From the records submitted by the petitioners, it appears that since 2004 the husband and wife are not living together and already divorce proceedings been initiated by the husband. In the said circumstances, a complaint dated 04.03.2016 has been filed by the respondent and the same has been enquired by the Protection Officer and report has been submitted to the Judicial Magistrate No.III, Thanjavur, which has lead to initiation of the criminal prosecution under Sections 18, 19 and 20 of the Act.

7.The learned counsel for the petitioner would submit that as far as maintenance is concerned, the respondent has already initiated maintenance case in M.C.No.1 of 2016 and Seenivasan is paying maintenance to the respondent and her son, who is now 17 years old.

8.Hence, it appears that these petitioners, who are in-laws and relatives of the respondent's husband, has been roped in the complaint. Though there is no specific allegations made against them, except allegation that they are threatening to kidnap the boy. This complaint itself filed only after 10 years of their separation and the said boy is around 17 years old (Date of Birth-26.05.2003).

9.In the said circumstances, this Court holds that the there is no *prima facie* material to prosecute against these petitioners for the offence under Sections 18, 19 and 20 of the Act. Hence, the complaint in D.V.C.No.1 of 2016 is hereby quashed. The learned Judicial Magistrate No.III, Thanjavur shall proceed with the trial as against Seenivasan, husband of the respondent and dispose of the



same, preferably, not later than 13.09.2020. Accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL SIDE)

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/ /2020

Sub Assistant Registrar(CS)

To

The Judicial Magistrate No.III,
Thanjavur.

+1 CC to M/s.K.PRABHAKAR, Advocate (SR-10911[F] dated 10/03/2020)

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GNS

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