



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

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

CRL.O.P. (MD)No.18236 of 2016

and

CRL.M.P. (MD)No.9090 of 2016

WEB COPY

1.T.R.Balakrishnan

2.P.Mayil

... Petitioners

Vs.

1.K.Deepa

2.R.B.Raja Krishnan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records and quash the proceeding of the D.V.No.01 of 2016 on the file of the learned Judicial Magistrate No.V, Tirunelveli.

For Petitioners : Mr.G.Prabhu Rajadurai

For Respondents : Mr.G.Karuppasamy Pandian
for R2

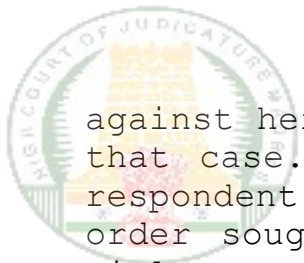
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.O.P.No.01 of 2016, filed by the first respondent herein, pending on the file of the Judicial Magistrate No.V, Tirunelveli.

2. The petitioners are in-laws of the first respondent and the marriage between the second respondent/ A1/**Raja Krishnan** and the first respondent Viz., **Deepa** was solemnized on **02.05.2001**. Thereafter, due to matrimonial disputes the first respondent and her husband / second respondent were living separately from the matrimonial home. Under this circumstance, the first respondent herein filed a petition under Domestic Violence Act in D.V.O.P.No.01 of 2016 on the file of the Judicial Magistrate No.V, Tirunelveli and implicated the petitioners as parties to the petition and sought action as against them under Protection of Women from Domestic Violence Act. The said D.V.O.P.No.01 of 2016 is pending for trial. At this stage, the petitioners herein who are the in-laws of the first respondent pray to quash the proceedings in D.V.O.P.No.01 of 2016.

3. Heard the learned counsel for the petitioners and the learned counsel for the second respondent.

4. It is seen that the relief sought for by the first respondent in the domestic violence case with regard to residential rights, compensation, etc., can be made and claimed as



against her husband / second respondent, who is already a party in that case. The petitioners herein are only in-laws of the first respondent and they are living separately. As such, the protection order sought for by the first respondent herein in the domestic violence case against these petitioners/in-laws, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners against the first respondent itself seems to be false. While that being so, there cannot be any act of any domestic violence as defined under the Protection of Women from Domestic Violence Act against these petitioners. 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.O.P.No.01 of 2016, on the file of the Judicial Magistrate No.V, Tirunelveli, insofar as these petitioners are concerned, on condition that, they shall ensure that the second respondent / A1/husband of the first 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.O.P.No.01 of 2016, on the file of the Judicial Magistrate No.V, Tirunelveli, as *ad-interim* maintenance, without prejudice to both the parties, failing which this order shall stand automatically cancelled. On such deposit being made, the first respondent is entitled to withdraw the same.

6. Insofar as second respondent / A1 / husband of the first respondent is concerned, since the impugned proceedings in D.V.O.P. No.01 of 2016 is pending from the year 2016 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. The second respondent / A1/husband of the first respondent is directed to appear before the trial Court on the next hearing date, failing which, the first respondent is at liberty to approach this Court.

7. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



Arul

To கனம் நீதிபதி

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The Judicial Magistrate No.V,
Tirunelveli.

+1 CC to Mr.G. PRABHU RAJADURAI, Advocate (SR-19273[F] dated
07/10/2020)

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and
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VR (CO)
KM (03.11.2020) 3P 3C