



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD).No.4922 of 2016

and

Crl.M.P(MD)No.2445 of 2016

WEB COPY

1.Arulkumar
2.Arulkani
3.Jeyamani

...Petitioners/Respondents Nos.1 to 3

Vs.

1.Veena

2.Minor Amirthavarsini

... Respondent/Petitioners

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the petition in M.C.No.24 of 2015 filed under Protection of Women from Domestic Violence Act, 2005 before the Judicial Magistrate, Bodinayakanur and to quash the same as illegal and pass such any or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioners : Mr.S.Ramasamy
For Respondents : Mr.K.Guhan

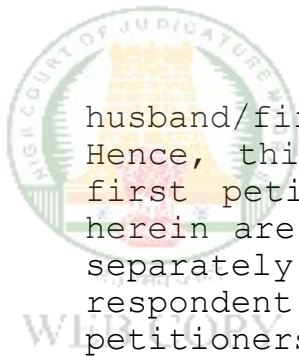
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in M.C.No.24 of 2015 on the file of the learned Judicial Magistrate, Bodinayakanur, as against the petitioners.

2.The first petitioner is the husband of the first respondent and the petitioners 2 and 3 are in-laws of the first respondent and the marriage between the first petitioner/Arulkumar and the first respondent viz., Veena was solemnized on 03.12.2012. Thereafter, due to matrimonial disputes the first respondent and her husband were living separately from the matrimonial home. Under this circumstance, the first respondent herein filed a petition under Domestic Violence Act in M.C.No.24 of 2015 on the file of the learned Judicial Magistrate, Bodinayakanur and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said M.C.No.24 of 2015 is pending for trial. At this stage, the first petitioner, who is the husband and the petitioners 2 and 3 herein, who are the in-laws of the first respondent, pray to quash the proceedings in M.C.No.24 of 2015.

3.Heard the learned counsel for the petitioners and the learned counsel for the respondents.

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/first petitioner, who is already a party in that case. Hence, this Criminal Original Petition is dismissed as far as the first petitioner/husband is concerned. The petitioners 2 and 3 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 the petitioners 2 and 3/in-laws, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners 2 and 3 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 Domestic Violence Act against the petitioners 2 and 3. In the absence of the same, the proceedings as against the petitioners 2 and 3 cannot be maintained and consequently, the petitioners 2 and 3 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 M.C.No.24 of 2015 on the file of the learned Judicial Magistrate, Bodinayakanur, insofar as the petitioners 2 and 3 are concerned, on condition that, they shall ensure that the first petitioner / 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 in M.C.No.24 of 2015 pending on the file of the learned Judicial Magistrate, Bodinayakanur, 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 the first petitioner/husband of the first respondent is concerned, this Petition is dismissed. Since the impugned proceedings in M.C.No.24 of 2015, is pending from the year of 2015, 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, if not already disposed of. The first petitioner/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 is partly allowed. Consequently, the connected miscellaneous petition is closed.

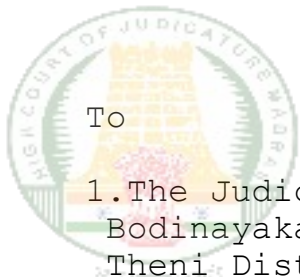
Sd/-

Assistant Registrar ()

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/ /2021

Sub Assistant Registrar(CS)



To

1.The Judicial Magistrate,
Bodinayakanur,
Theni District.

2. The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.K.Guhan, Advocate, SR.No.23731 dated 02.12.2020

Crl.O.P. (MD) .No.4922 of 2016
and
Crl.M.P (MD) No.2445 of 2016
01.12.2020

VR (CO)
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