



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.08.2020

Delivered on : 14.08.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.15921 of 2018

and

Crl.M.P. (MD)Nos.7051 and 7052 of 2018

WEB COPY

1.R.Banumathi

2.M.Ramakrishnan

...Petitioners/Accused Nos 2&3

Vs.

1.A.Sripriya

2.Minor. R.B.Pravin Manesh

3.Minor R.B.Sushmithaa

...Respondents/Respondents

(Minor R2&R3 Rep by their mother and guardian 1st Respondent)

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to the complaint in M.C.No.87 of 2014, on the file of the Judicial Magistrate Court No.V, Madurai, and quash the same.

For Petitioners

: Mrs.AL.Ganthimathi

For Respondents

: Mr.R.Rajaraman

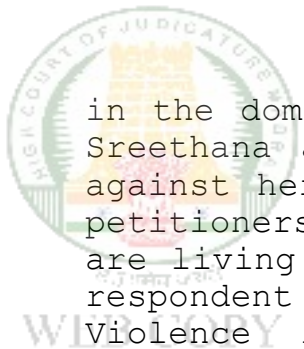
ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in M.C.No.87 of 2014, on the file of the Judicial Magistrate Court No.V, Madurai.

2.The first petitioner herein is the mother-in-law and the second petitioner herein is the father-in-law of the first respondent. The marriage between the first respondent and the son of the petitioners viz., R.Balamurugan, was solemnized on 30.06.2002 at Chidambaram. Immediately after the marriage, the said R.Balamurugan and the first respondent were residing separately at Singapore. After some time, due to some matrimonial dispute, the first respondent left the matrimonial home and returned to her parents' home along with children. Under such circumstance, the first respondent herein filed a petition in M.C.No.87 of 2014, under Section 12 of the Protection of Women from Domestic Violence Act, 2005, before the Judicial Magistrate Court No.V, Madurai, and implicated the petitioners as parties to the petition and sought action as against them under the said Act. The said case is pending for trial. At this stage, the petitioners, who are the in-laws of the first respondent, have filed the present petition seeking to quash the proceedings in M.C.No.87 of 2014.

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

4.It is seen that the relief sought for by the first respondent



in the domestic violence case with regard to protection, return of Sreethana articles, compensation etc., can be made and claimed as against her husband, who is not a party in this petition. As the petitioners herein are only in-laws of the first respondent and they are living separately, the protection order sought for by the first respondent herein under the Protection of Women from Domestic Violence Act against the petitioners/in-laws, based on the allegations, cannot be maintained, in view of the fact that the allegation 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 the petitioners. In the absence of the same, the proceedings as against the 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 M.C.No.87 of 2014, insofar the petitioners are concerned. Accordingly, the proceedings in M.C.No.87 of 2014, pending on the file of the Judicial Magistrate Court No.V, Madurai, are quashed insofar as the petitioners are concerned. Since the proceedings in M.C.No.87 of 2014 is pending from the year 2014, it would be appropriate to direct the learned Judicial Magistrate No.V, Madurai, to dispose M.C.No.87 of 2014 as early as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Reocrds)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 No.V, Madurai.

CRL OP(MD)No.15921 of 2018

14.08.2020

KB(19.08.2020) 2P 2C

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