



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.08.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

CrI.O.P.[MD]No.16451 of 2018

and

CRL MP (MD) Nos.7278 & 7279 of 2018

WEB COPY

1.Manikandan

2.Saranya

3.Radha

4.Eswaran

5.Murugesan

... Petitioners / R1 to R5

Vs.

Nivetha

...Respondent / Petitioner

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the impugned DVOP proceedings in D.V.O.P.No.3 of 2018, on the file of the learned Judicial Magistrate No.1, Ramanathapuram District and quash the same.

For Petitioner : Mr.J.Vijayaraja

For Respondent : M/s.V.Muthumani

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.O.P. No.3 of 2018, on the file of the learned Judicial Magistrate No.1, Ramanathapuram District.

2. The first petitioner herein is husband and the petitioners 2 to 5 are in-laws of the respondent and the marriage between the first petitioner / Manikandan and the Respondent / Nivetha was solemnized on 05.09.2016. Thereafter, due to matrimonial disputes, the respondent and her husband were living separately from the matrimonial home. Under this circumstance, the respondent herein filed a petition under the Domestic Violence Act, in D.V.O.P.No.3 of 2018, on the file of the learned Judicial Magistrate No.1, Ramanathapuram and implicated the petitioners as parties to the petition and sought action against them under Domestic Violence Act. The said D.V.O.P.No.3 of 2018 is pending for trial. At this stage, the first petitioner, who is the husband and the petitioners 2 to 5 herein, who are in-laws of the respondent, pray to quash the proceedings in D.V.O.P.No.3 of 2018.

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



4. It is seen that the relief sought for by the respondent in the domestic violence case with regard to the residential right, 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 to 5 herein are only in-laws of the respondent and they are living separately. As such, the protection order sought for by the respondent herein in the domestic violence case against the petitioners 2 to 5 / 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 to 5 against the 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 to 5. In the absence of the same, the proceedings as against the petitioners 2 to 5 cannot be maintained and consequently, the petitioners 2 to 5 need not to 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.3 of 2018, on the file of the learned Judicial Magistrate No.1, Ramanathapuram insofar as the petitioners 2 to 5 are concerned. Insofar as the 1st petitioner / husband of the respondent is concerned, this petition is dismissed.

6. Since the impugned proceedings in D.V.O.P.No.3 of 2018 is pending, it would be appropriate to direct the trial Court to complete the trial within a period of three months from the date of receipt of a copy of this order. The first petitioner / husband of the respondent is directed to appear before the trial court on the next hearing date, failing which, the respondent is at liberty to approach this Court.

7. In the result, this Criminal Original Petition is partly allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

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.

<https://hseervices.courts.gov.in/hcseervices/>



To

The Judicial Magistrate No.1,
Ramanathapuram District.

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+1 CC to Mr.R. SENTHILKUMAR, Advocate (SR-14816[F]dated
24/08/2020)

+1 CC to Mr.J. VIJAYARAJA, Advocate (SR-14813[F] dated 24/08/2020)

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VB (31.08.2020) 3P 4C