



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.12.2020

CORAM:

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

Crl.O.P.(MD).No.786 of 2017

and

Crl.M.P(MD)No.685 of 2017

1.Sridevi Priya

2.Siva Subramaniyan

... Petitioners/Accused Nos.4 & 5

Vs.

S.M.Shoba

... Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the M.C.No.252 of 2014 on the file of the Judicial Magistrate Court (Additional Mahila Court), Madurai and quash the same as against the petitioners.

For Petitioners	: Mr.N.Sathish Babu
For Respondent	: Mr.N.Tamilmani

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in M.C.No.252 of 2014 on the file of the Judicial Magistrate Court (Additional Mahila Court), Madurai, as against the petitioners.

2.The petitioners are in-laws of the respondent and the marriage between the Al/Saravana Babu and the respondent viz., S.M.Shoba was solemnized on 11.09.2011. 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 Domestic Violence Act in M.C.No.252 of 2014 on the file of the Judicial Magistrate Court (Additional Mahila Court), Madurai and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said M.C.No.252 of 2014 is pending for trial. At this stage, the petitioners, who are the in-laws of the respondent, pray to quash the proceedings in M.C.No.252 of 2014.

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



4.It is seen that the relief sought for by the respondent in the domestic violence case with regard to residential rights, compensation, etc., can be made and claimed as against her husband/A1, who is already a party in that case. The petitioners 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/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 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. 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.252 of 2014 on the file of the Judicial Magistrate Court (Additional Mahila Court), Madurai, insofar as these petitioners are concerned, on condition that, they shall ensure that the A1/ husband of the 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.252 of 2014 pending on the file of the Judicial Magistrate Court (Additional Mahila Court), Madurai, as *ad-interim* maintenance, without prejudice to both the parties, failing which this order shall stand automatically cancelled. On such deposit being made, the respondent is entitled to withdraw the same.

6.Insofar as A1/husband of the respondent is concerned, since the impugned proceedings in M.C.No.252 of 2014, is pending from the year of 2014, 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 A1/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 allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.The Judicial Magistrate Court (Additional Mahila Court),
Madurai.

2.The Inspector of Police,
All Women Police Station,
Madurai South, Madurai.

Copy to

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

+1CC to Mr.N.Tamilmani,Advocate, SR.No.24734 dated 09/12/2020

Crl.O.P. (MD) .No.786 of 2017
and
Crl.M.P (MD) No.685 of 2017
08.12.2020

MA (CO)
KB (05.02.2021) 3P 5C