



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

CRL.OP (MD)No.9485 of 2017

and

CRL.MP (MD)Nos.6467 and 6468 of 2017

WEB COPY

Vijayaperumal ... Petitioner /Respondent

vs.

Floransa @ Srinithi ... Respondent /Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the complaint bearing M.C.No.145 of 2015 on the file of the Additional Mahila Court, Tiruchirappalli and quash the same as illegal and devoid of merits.

For Petitioner : Mr.M.Jegadeesh Pandian

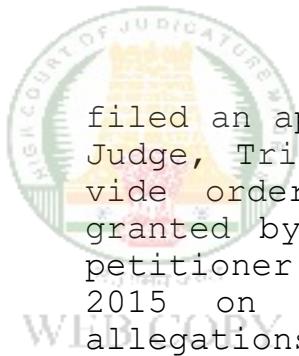
For Respondents : No appearance

ORDER

This petition has been filed by the petitioner to quash the complaint in M.C.No.145 of 2015 on the file of the Additional Mahila Court, Tiruchirappalli.

2.The petitioner is the husband and the respondent is wife, who is already a divorcee at the time of marriage solemnized with this petitioner on 11.09.2006 and she also has a son. After the marriage with the petitioner also, she gave birth a boy child viz., Anirudh. The petitioner and the respondent lived together after marriage between 2006-2015. However, difference of opinion had arisen between them.

3.It appears that the respondent had left the company of the petitioner due to the differences between them. In such circumstances, the respondent has filed a petition under Section 125 Cr.P.C. for maintenance before the Family Court, Trichy in M.C.No.89 of 2015. In the said application, the respondent has alleged that she was driven out of the house by the petitioner's sister and she prayed for maintenance of Rs.10,000/- for herself and Rs.15,000/- for her son. Thereafter, the respondent filed a petition in M.C.No.145 of 2015 before the Additional Mahila Court, Tiruchirappalli for domestic violence and for compensation under the Domestic Violence Act, 2005. By an order dated 19.05.2016, a sum of Rs.6,000/- per month was granted as interim maintenance by the Additional Mahila Court, Trichirappalli. By the said order, the petitioner has been asked to pay a sum of Rs.6,000/- per month to the respondent. Aggrieved by the said order, the petitioner had



filed an appeal in Crl.A.No.56 of 2016 before the Principal Sessions Judge, Trichirappallai. The said appeal also came to me dismissed vide order dated 19.05.2017, confirming the interim maintenance granted by the Additional Mahila Court, Trichirappalli. Now, the petitioner seeks to quash the impugned proceedings in M.C.No.145 of 2015 on the ground that the respondent has made different allegations in M.C.No.89 of 2015 filed for maintenance under Section 125 Cr.P.C and M.C.No.145 of 2015 filed under the Domestic Violence Act.

4.Though notice is served on the respondent and the name of the respondent is also printed in the cause list, no one appeared on behalf of the respondent.

5.The learned counsel appearing for the petitioner submitted that there are no allegations regarding cruelty and violence as stated by the petitioner. It shows that the second complaint filed in M.C.No.145 of 2015 before the Additional Mahila Court, Trichirappalli under the provision of Domestic Violence Act was motivated and cannot be sustained.

6.I have considered the argument advanced by the learned counsel appearing for the petitioner.

7.The proceedings under the Domestic Violence Act is for protecting women, who are subjected to harassment due domestic violence. It gives protections and compensation can be ordered. The petitioner, who is the husband of the respondent is obliged to maintain the respondent and therefore, is amenable to the jurisdiction of the Court under the said Act. An elaborate procedure has been prescribed under the Act in Chapter IV for obtaining orders of reliefs. It also includes counselling, assistance of welfare report, protection orders and residence orders including monetary relief and compensation. Therefore, it is incumbent on the part of the petitioner to participate in the said proceedings instead of having the petition quashed on a very specious ground that the allegation in the petition filed under Section 125 Cr.P.C. and petition filed under Domestic Violence Act, 2005 are in variance. Therefore, there is no merits in this criminal original petition.

8.Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)



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To

The Additional Mahila Court, Tiruchirappalli

**CRL.OP (MD) No. 9485 of 2017
11.03.2020**

TP (07.05.2020) 3P 2C