



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.02.2020
CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

CRL.O.P. (MD) No.17527 of 2019
and CRL.M.P. (MD) Nos.10368 & 10369 of 2019

1.Ramu Perumal
2.P.Lakshmi
3.Thenmozhi

... Petitioners/Respondents

Vs.

R.A.Aruna Radhai

... Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in D.V.P.No.37 of 2019 pending before the Judicial Magistrate I, Karur and quash the same.

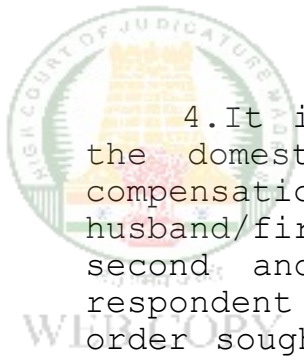
For Petitioners : M/s.S.Mahalakshmi
For Respondent : Mr.M.E.Ilango

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.P.No.37 of 2019, filed by the respondent herein, pending on the file of the Judicial Magistrate I, Karur

2.The first petitioner is the husband of the respondent and the second petitioner is the mother-in-law of the respondent and the third petitioner is the sister-in-law of the respondent. The marriage between the first petitioner and the respondent was solemnized on 27.05.2007. Thereafter, due to matrimonial disputes the respondent and the first petitioner were living separately from the matrimonial home. Under this circumstance, the respondent herein filed a petition under Domestic Violence Act in D.V.P.No.37 of 2019 on the file of the Judicial Magistrate I, Karur and implicated the petitioners as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.P.No.37 of 2019 is pending for trial. At this stage, the petitioners herein pray to quash the proceedings in D.V.P.No.37 of 2019.

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 residential rights, compensation, etc., can be made and claimed as against her husband/first petitioner, who is already a party in that case. The second and third 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 second and third petitioners/in-laws, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the second and third 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 second and third petitioners. In the absence of the same, the proceedings as against the second and third petitioners cannot be maintained and consequently, the second and third 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 D.V.P.No.37 of 2019, on the file of the Judicial Magistrate Court No.1, Tiruppur, insofar as the second and third petitioners are concerned, on condition that, they shall ensure that the first petitioner, who is the 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 D.V.P.No.37 of 2019, on the file of the Judicial Magistrate I, Karur, 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. Insofar as the first petitioner is concerned, this Court is not inclined to quash the proceedings in D.V.P.No.37 of 2019 and accordingly, this criminal original petition is dismissed as against the first petitioner is concerned.

6.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 copy of this order. The first petitioner 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, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)



gns

To

1. The Judicial Magistrate I, Karur.

2. The Chief Judicial Magistrate, Karur

+1 CC to Mr.M.E.ILANGO, Advocate (SR-7144[F] dated 19/02/2020)

+1 CC to M/s.S.MAHALAKSHMI, Advocate (SR-7356[F] dated 20/02/2020)

CRL.O.P. (MD) No.17527 of 2019

18.02.2020

MK (03.03.2020) 3P 5C