



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

WEB COPY

Crl.O.P. (MD)No.19201 of 2019

and

Crl.M.P. (MD)Nos.11266 and 11267 of 2019

1.Palsamy
2.Ramayi @ Saraswathi
3.Mallika @ Uma
4.Santhi
5.Sugumar

...Petitioners/Respondents 2, 4 to 7

-Vs-

Kavitha

... Respondent/Petitioner

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to DVOP No.9 of 2019 on the file of the learned Judicial Magistrate No.I, Karur and quash the same.

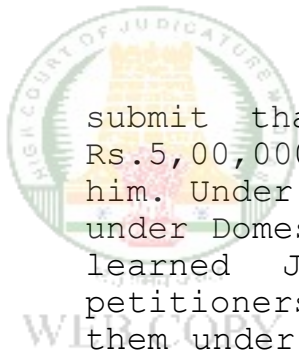
For Petitioners : Mr.K.Arunraj

For Respondent : Mr.T.Prabu

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in DVOP No.9 of 2019 on the file of the learned Judicial Magistrate No.I, Karur.

2.Learned counsel appearing for the petitioner would submit that the first petitioner is the brother of the father in law of the respondent/complainant and the second petitioner is the wife of the first petitioner and the 3rd and 4th petitioners are the sister in laws to the respondent and the 5th respondent is the son of the 4th petitioner. The marriage between the respondent and one Arichandran was solemnized on 22.02.2002. Out of their wedlock, there are two children. From the date of marriage, the respondent did not lead happy married life with her husband and she had shown hostile attitude with her husband and against the father in law and mother in law. In such situation, the husband of the respondent died on 26.06.2018 due to jaundice. He would further submit that all the petitioners are living separately and the third petitioner is working as a teacher in Government School at Thirupattur and she had never lived with the respondent's family. He would further



submit that the husband of the respondent borrowed a sum of Rs.5,00,000/- from the third petitioner, in which she was helping to him. Under this circumstance, the respondent herein filed a petition under Domestic Violence Act in DVOP No.9 of 2019 on the file of the learned Judicial Magistrate No.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.O.P.No.9 of 2019 is pending for trial. At this stage, the first petitioner, who is the brother of the father in law of the respondent/complainant and the second petitioner, who is the wife of the first petitioner and the 3rd and 4th petitioners, who are the sister in laws to the respondent and the 5th respondent, who is the son of the 4th petitioner, pray to quash the proceedings in D.V.O.P.No.9 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, with whom she had a domestic relationship. Unfortunately, he has passed away. 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 in the petition 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 DVOP No.9 of 2019 on the file of the learned Judicial Magistrate No.I, Karur insofar as these petitioners are concerned.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

The Judicial Magistrate No.I, Karur.

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