

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.10101 of 2015

and

M.P.No.1 of 2015

1.Siddque Ali
2.Noor Jahan
3.Ismail Hassan
4.Mahjabeen Jubaiitha
5.Hasan Mohammed
6.Mohammed Farook
7.Mohammed Sadiq Ali

... Petitioners

Vs.

1.Bazariya Begum
2.Minor Mahjabeen

... Respondents

PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records relating to the complaint in D.V.A.No.38 of 2014 on the file of the learned Judicial Magistrate No.II, Coimbatore and quash the same.

For petitioners : Mr.L.Mouli
For Respondents : No Appearance

ORDER

This petition has been filed to quash the proceedings in D.V.A.No.38 of 2014 on the file of the learned Judicial Magistrate No.II, Coimbatore.

2.The learned counsel for the petitioner submitted that the petitioners are the in-laws of the 1st respondent herein and the marriage between 1st and 2nd petitioner's son viz., Arafath Hasan and the 1st respondent Viz., Bazariya Begum was solemnized on 23.05.2010. Thereafter, due to matrimonial disputes the 1st respondent and her husband were living separately from the matrimonial home. Under this circumstance, the 1st respondent herein filed a petition under the Protection of Women from Domestic Violence Act in D.V.A.No.38 of 2014 on the file of the learned Judicial Magistrate No.II, Coimbatore and implicated the petitioners as party to the petition and sought action as against them under the Protection of Women from Domestic Violence Act. The said D.V.A.No.38 of 2014 is pending for trial. At this stage, the petitioners

herein who are the in-laws of the 1st respondent pray to quash the proceedings in D.V.A.No.38 of 2014.

3. Heard Mr.L.Mouli, learned counsel for the petitioners.

4.This Court, in CrI.O.P.No.28458 of 2019 [Dr.P.Pathmanathan and others vs. Tmt.V.Monica and others], vide order dated 19.01.2021, after elaborately considering the nature of the proceedings under the Protection of Women from Domestic Violence Act before the criminal Court and after considering the various decisions of the Supreme Court, dismissed the original petition holding that the proceedings under said Act in a Criminal Court are civil in nature; the truthfulness of allegation in the case has to be decided by letting in evidence in the trial Court; by invoking the provisions under Section 482 Cr.P.C., the proceedings before the trial Court cannot be quashed.

5. In this Criminal Original Petition, the petitioner seeks to quash the proceedings in D.V.A.No.38 of 2014 before the learned Judicial Magistrate No.II, Coimbatore.

6.In view of the above said decision, the prayer in this criminal original petition is unsustainable. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsn

To

1. The Judicial Magistrate No.II, Coimbatore.

2. The Public Prosecutor, High Court, Madras.

+1cc to Mr.L.Mouli, Advocate, S.R.No.9932.

CrI.O.P.No.10101 of 2015
and M.P.No.1 of 2015

SR-II(CO)
CSR 10.03.2020