

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.16069 of 2016
and
Crl.M.P.No.7892 of 2016

1.M.Rajkumar
2.M.Selvakumar
3.Vani

... Petitioners

Vs.

1.Karunapriya
2.Minor Srilekha
D/o. M.Rajkumar
Aged about 3 years.

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records in D.V.No.2 of 2016 on the file of the learned Judicial Magistrate, Gudiyatham and quash the same.

For petitioners : Mr.C.Kasirajan

For Respondent : Mr.D.Rajagopal

ORDER

This petition has been filed to quash the proceedings in D.V.No.2 of 2016 on the file of the learned Judicial Magistrate, Gudiyatham.

2.The learned counsel for the petitioners submitted that 1st petitioner is the husband and petitioners 2 and 3 are the in-laws of the first respondent herein and the marriage between first petitioner viz., M.Rajkumar and the first respondent Viz., Karunapriya was solemnized on 14.11.2011. Thereafter, due to matrimonial disputes the respondent and her husband were living separately from the matrimonial home. Under this circumstance, the first respondent herein filed a petition under the Protection of Women from Domestic Violence Act in D.V.No.2 of 2016 on the file of the learned Judicial Magistrate, Gudiyatham, D.V.No.2 of 2016 and implicated the

petitioners as parties to the petition and sought action as against them under the Protection of Women from Domestic Violence Act. The said D.V.No.2 of 2016 is pending for trial. At this stage, the petitioners herein who are the in-laws of the respondent pray to quash the proceedings in D.V.No.2 of 2016.

3. Heard Mr.C.Kasirajan, learned counsel appearing for the petitioners and Mr.D.Rajagopal, learned counsel appearing for the respondents.

4.This Court, in Crl.O.P.No.28458 of 2019 [Dr.P.Pathmanathan and others vs. Tmt.V.Monica and others], vide order dated 18.01.2021, 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 petitioners seek to quash the proceedings in D.V.No.2 of 2016 before the learned Judicial Magistrate, Gudiyatham.

6.In view of the above said decision, the prayer in this criminal original petition is unsustainable. Accordingly, this Criminal Original Petition stands dismissed with liberty to the petitioners to approach the trial Court for appropriate remedy. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsn

To

The Judicial Magistrate, Gudiyatham

Crl.O.P.No.16069 of 2016
and Crl.M.P.No.7892 of 2016

LN(CO)
CB(29/03/2021)