

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.18689 of 2016

and

Crl.M.P.No.8783 of 2016

1.S.Pandian
2.V.Sekar
3.S.Chandra
4.S.Raju
5.S.Gayathri
6.A.Gomathi

... Petitioners/Accused

Vs.

Kalaiyarasi

... Respondent/Complainant

PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records in D.V.A.No.1 of 2016 on the file of the learned Judicial Magistrate-I, Villupuram, Villupuram district and quash the same.

For petitioners : Mr. Sharath Chandran
for Mr.C.Prakasam

For Respondent : M/s.V.G.Anbarasan

ORDER

This petition has been filed to quash the proceedings in D.V.A.No.1 of 2016 on the file of the learned Judicial Magistrate-I, Villupuram, Villupuram district.

2.The learned counsel for the petitioners submitted that 1st petitioner is the husband and petitioners 2 to 6 are the in-laws of the respondent herein and the marriage between first petitioner viz., S.Pandian and the respondent Viz.,Kalaiyarasi was solemnized on 18.05.2008. Thereafter, due to matrimonial disputes the respondent and her husband were living separately

from the matrimonial home. Under this circumstance, the respondent herein filed a petition under the Protection of Women from Domestic Violence Act in D.V.A.No.1 of 2016 on the file of the learned Judicial Magistrate-I, Villupuram, Villupuram district., D.V.No.1 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.1 of 2016 is pending for trial. He further submitted that the matter has not been settled before the Mediation and Conciliation Center. At this stage, the petitioners 2 to 6 herein who are the in-laws of the respondent pray to quash the proceedings in D.V.No.1 of 2016.

3. Heard Mr.Sharath Chandran, learned counsel appearing for the petitioners and M/s.V.G.Anbarasan, learned counsel appearing for the respondent.

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 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.1 of 2016 before the learned Magistrate-I, Villupuram, Villupuram district.

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

1. The Judicial Magistrate-I,
Villupuram District.
2. Do-through : The Chief Judicial Magistrate,
Villupuram District.

+lcc to Mr.Govind Chandrasekar, Advocate, S.R.No.15637
+lcc to Mr.V.G.Anbarasu, Advocate, S.R.No.15379

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and Crl.M.P.No.8783 of 2016
(1/2)

PCH (CO)
TE (20/04/2021)