

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.No.25232 of 2015

and

M.P.No.1 of 2015

1.Chellamuthu

2.Devaki

3.Revathi

... Petitioners/ Respondents

Vs.

Karthiga

... Respondent/Complainant

PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records pertaining in D.V.C.No.4 of 2015 on the file of the learned Judicial Magistrate No.I, Namakkal and quash the same against the petitioners herein.

For petitioners : Mr.B.Kumarasamy

For Respondent : No Appearance

ORDER

This petition has been filed to quash the proceedings in D.V.C.No.4 of 2015 on the file of the learned Judicial Magistrate No.I, Namakkal.

2.The learned counsel for the petitioners submitted that the petitioners are in-laws of the respondent herein and the marriage between the petitioners' son viz.,Parthasarathy and the respondent Viz.,Karthiga was solemnized on 09.06.2014. 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.C.No.4 of 2015 on the file of the learned Judicial Magistrate No.I, Namakkal 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.C.No.4 of 2015 is pending for trial. At this stage, the petitioners herein who is the in-laws of the respondent pray to quash the proceedings in D.V.C.No.4 of 2015.

3. Heard Mr.B.Kumarasamy, learned counsel for the petitioner.

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.C.No.4 of 2015 before the learned Judicial Magistrate No.I, Namakkal.

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(CS IX)

//True Copy//

Sub Assistant Registrar

vsn

To,

1. The Judicial Magistrate No.I, Namakkal.

2. Do thro the Chief Judicial Magistrate, Namakkal.

CrI.O.P.No.25232 of 2015
and M.P.No.1 of 2015

A.SK(19.03.2021)

सत्यमेव जयते

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