

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.O.P.NO.26848 OF 2015

AND

M.P.NO.1 OF 2015

1.Prabhu

2.Sheela Prabhu

3.Samson

4.Sheela

... Petitioners

Vs.

Nancy Shoba

... Respondent

PRAYER:

Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the entire records relating to the complaint in DVMC No.20 of 2014 on the file of the learned Judicial Magistrate, Coonoor and quash the same in respect of the petitioners alone.

For petitioners : Mr.L.Mouli

For Respondent : No Appearance

ORDER

This petition has been filed to quash the proceedings in DVMC No.20 of 2014 on the file of the learned Judicial Magistrate, Coonoor.

2.The learned counsel for the petitioners submitted that the petitioners are in-laws of the respondent herein and the marriage between one Denise Atony Swami and the respondent Viz.,Nancy Shoba was solemnized on 06.05.2009. 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 DVMC No.20 of 2014 on the file of the learned Judicial Magistrate, Coonoor and implicated the petitioner as party to the petition and sought action as against them under the Protection of Women from Domestic Violence Act. The said DVMC No.20 of 2014 is pending

for trial. At this stage, the petitioners herein who are the in-laws of the respondent pray to quash the proceedings in DVMC No.20 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 DVMC No.20 of 2014 before the learned Judicial Magistrate, Coonoor.

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

//True Copy//

Sub Assistant Registrar

vsn

To

The Judicial Magistrate,
Coonoor.

+1cc to Mr.L.Mouli, Advocate, S.R.No.9983

CrI.O.P.No.26848 of 2015
and M.P.No.1 of 2015

KV(CO)
CS/19/03/2021