

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.22284 of 2016
and
Crl.M.P.Nos.10346 & 10347 of 2016

N.Saravanabhavan ... Petitioner

Vs.

Kalaiyarasi @ Kalai ... Respondent

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

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 petitioner is the brother-in-law of the respondent's husband herein and the marriage between one, 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 petitioner as party 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 petitioner herein who is brother-in-law of the respondent's husband pray to quash the proceedings in D.V.No.1 of 2016.

3. Heard Mr.Sharath Chandran, learned counsel appearing 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 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 petitioner to approach the trial Court for appropriate remedy. Consequently, connected miscellaneous petitions are 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.

CrI.O.P.No.22284 of 2016
and CrI.M.P.Nos.10346 & 10347 of 2016
(2/2)

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