

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM
Crl.O.P.No.23932 of 2016

1.A.Saravanan,
2.P.A.Arumugam
3.V.A.Madheswari
4.Mathimugam

... Petitioners

Vs.

1.K.Vimala
2.S.Priyanka,
3.S.Vishagan

... Respondents

PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the entire records in D.V.No. 61 of 2016 on the file of the learned Special Mahila Court, Salem and quash the same.

For petitioners : Mr.D.Shivakumaran

ORDER

This petition has been filed to quash the proceedings in D.V.No. 61 of 2016 on the file of the learned Special Mahila Court, Salem.

2.The learned counsel for the petitioners submitted that the 1st petitioner is the husband and petitioners 2 to 4 are the in-laws of the respondent herein and the marriage between 1st petitioner viz., A.Saravanan and the 1st respondent Viz.,K.Vimala was solemnized on 27.08.1998. Thereafter, due to matrimonial disputes 1st 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.No.61 of 2016 on the file of the learned Special Judge, Mahila Court, Salem, D.V.No.61 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.61 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.61 of 2016.

3. Heard Mr.D.Shivakumaran, learned counsel appearing for the petitioners.

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.61 of 2016 before the learned Special Judge, Mahila Court, Salem.

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.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsn
To

The Special Judge, Mahila Court,
Salem,

+1cc to Mr.S.Shiva kumar , Advocate SR.No. 14944

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A.SK(09.04.2021)

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