

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.3826 of 2016

and

Crl.M.P.No.1960 of 2016

- 1.Panchatcharam
- 2.Sivakumar
- 3.Rajkumar
- 4.Madan Kumar
- 5.Arvind Kumar
- 6.Chitra

...Petitioners/Respondents 2,4 to 8

Vs.

Leela

... Respondents/Petitioner

PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records relating in D.V.C.No.24 of 2015 on the file of the Judicial Magistrate Gudiyattam, Vellore District, and quash the same.

For petitioners : Mr.R.Karthikeyan
For Respondent : No appearance

COMMON ORDER

This petition has been filed to quash the proceedings in D.V.C.No.24 of 2015 on the file of the Judicial Magistrate Gudiyattam, Vellore District,.

2.The learned counsel for the petitioners submitted that the petitioners are the in-laws of the respondent herein and the marriage between one Vijayakumar and the respondent Viz.,Leela was solemnized on 18.11.2012. 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.24 of 2015 on the file of the Judicial Magistrate, Gudiyattam, Vellore District, D.V.C.No.24 of 2015 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.C.No.24 of 2015 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.C.No.24 of 2015.

3. Heard Mr.R.Karthikeyann, 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 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.C No.24 of 2015 before the Judicial Magistrate Court, Gudiyattam, Vellore 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vsn

To

1.The Judicial Magistrate,
Civil Judge(Junior Division)
Gudiyatham

+1 cc to Mr.R.Karthikeyan Advocate sr10086

CrI.O.P.No.3826 of 2016
and CrI.M.P.No.1960 of 2016

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