

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.O.P.NO.3911 OF 2016

AND

CRL.M.P.NO.1987 OF 2016

Sudha ... Petitioner/4th Respondent

Vs.

Vanitha ... Respondent/Complainant

PRAYER:

Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records pertaining to the criminal complaint in D.V.O.P.No.102 of 2015 on the file of the Judicial Magistrate, Additional Mahila Magistrate at Salem and quash the same.

For petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.R.Sathish Kumar

ORDER

This petition has been filed to quash the proceedings in D.V.O.P.No.102 of 2015 on the file of the Judicial Magistrate, Additional Mahila Magistrate at Salem.

2.The learned counsel for the petitioner submitted that the petitioner is the in-law of the respondent herein and the marriage between the petitioner's brother viz.,Lakshmikanth and the respondent Viz.,Vanitha was solemnized on 29.06.2012. 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.O.P.No.102 of 2015 on the file of the Judicial Magistrate, Additional Mahila Magistrate, Salem 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.O.P.No.102 of 2015 is pending for trial. At this stage, the petitioner herein who is the in-law of the

respondent pray to quash the proceedings in D.V.O.P.No.102 of 2015.

3. Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner and Mr.R.Sathish Kumar learned counsel for the respondent.

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 petitioner seeks to quash the proceedings in D.V.O.P.No.102 of 2015 before the Judicial Magistrate, Additional Mahila Magistrate at 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vsn

To

The Judicial Magistrate,
Additional Mahila Magistrate,
Salem.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.9798

CrI.O.P.No.3911 of 2016
and CrI.M.P.No.1987 of 2016

VGII (CO)
CS/18/03/2021