



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Cr1.O.P.No.6062 of 2016

S. Sudha ... Petitioner
Vs.
S.Kanchana ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in M.C.No.56 of 2015 pending on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai, and quash the same.

For Petitioner : Mr. L.Poompavai
For Respondent : Mr. B.Karthik Sevugaperumal

ORDER

The Criminal Original Petition has been filed to quash the Domestic Violence Complaint given by the respondent herein in M.C.No.56 of 2015, on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai.

2. The petitioner is the mother-in-law of the respondent and the marriage between Al/Balaji and the respondent Viz., S.Kanchana was solemnized on 15.04.2013. Thereafter, due to matrimonial disputes, the respondent and her husband were living separately from the matrimonial home. Under these circumstances, the respondent herein filed a petition under Domestic Violence Act in M.C.No.56 of 2015 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai and implicated the petitioner as party to the petition and sought action as against them under Domestic Violence Act. The said M.C.No.56 of 2015 is pending for trial. At this stage, the petitioner herein, who is the mother-in-law of the respondent pray to quash the proceedings in M.C.No.56 of 2015.

3. The learned counsel for the petitioner would submit that at no point of time, she lived with the petitioner and therefore, the complaint as against the petitioner is not at all maintainable. She would further submit that the petitioner is 65 year old and she herself is a sugar patient, bedridden also suffering from low blood pressure. Further, the petitioner is also undergoing treatment in Dr. Kumarasamy Health Centre since 28.01.2016 for low blood pressure. Hence, he seeks to quash the proceedings in M.C.No.56 of 2015.



petitioner and the learned counsel appearing for the respondent and perused the documents placed on record.

5. It is seen that the relief sought for by the respondent in the domestic violence case with regard to residential rights, compensation, etc., can be made and claimed as against her husband, who is already a party in that case. The petitioner is the mother-in-law of the respondent and she is living separately. As such, the protection order sought for by the respondent herein in the domestic violence case against petitioner/mother-in-law, based on the allegations, cannot be maintained before this Court.

6. In the light of the common order passed by this Court in CrI.O.P.Nos.28458 of 2019 etc., Batch dated 18.01.2021 and taking note of the facts that the case, viz., M.C.No.56 of 2015 is pending for trial, from the year 2015, this Court is inclined to direct the learned XVIII, Metropolitan Magistrate, Saidapet, Chennai, to expedite the trial and complete the same, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. The said learned Metropolitan Magistrate is also directed to follow the procedures/guidelines as specified by this Court in CrI.O.P.Nos.28458 of 2019 batch etc., especially, in paragraph No.52.

7. In view of the above, the present Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

msm

To

The XVIII Metropolitan Magistrate,
Saidapet,
Chennai.

CrI.O.P.No.6062 of 2016

and CrI.M.P.No.3127 of 2016

GSM(CO)
GN(15/07/2021)