



CrI.O.P.(MD) No.13474 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13474 of 2022

and

CrI.M.P(MD) Nos.8569 and 8570 of 2022

1. V.Louismary @ Mary

2. Josephin

... Petitioners/ Respondents 2 & 3

Vs

X.Arul Vimalarani

... Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the proceeding of the DVC No.35 of 2020 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai.

For Petitioners : Mr.I.Robert Chandrakumari

ORDER

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.35 of 2020 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai.

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2. The learned counsel for the petitioners submitted that the first petitioner is the mother-in-law of the respondent and the second petitioner is the sister-in-law of the respondent. They were living separately and are in no way connected with the alleged offence committed against the respondent. After marriage, the respondent lived with her husband only three months and thereafter, due to difference of opinion, they are living separately. In these circumstances, the allegation were made against the petitioners that they humiliated her and refused to return the property received at the time of marriage. Therefore, the petitioners filed the present Criminal Original Petition.

3. I have considered the matter in the light of the submissions made by the learned counsel for the petitioners.

4. On perusal of the records, it reveals that the fact that the respondent married the son of the first petitioner, on 26.05.2016. At the time of marriage, the parents of the respondent gave 20 sovereign of gold jewels and other material worth about Rs.1,00,000/- (Rupees One lakh only) and also the marriage expenses worth about Rs.3,00,000/- (Rupees Three Lakhs



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only) incurred by the petitioners and the respondent families jointly. After the marriage, on 07.08.2016, the family relatives are living jointly. As a result of the wedlock, the respondent gave birth to a daughter, on 18.02.2017. After giving information, the petitioners did not turn up and humiliated the respondent and hence, she filed an application for maintenance to the respondent as well as the four years daughter. After that, she filed a complaint before the Judicial Magistrate, Mahila Court, Madurai and the same is pending.

5. The learned counsel for the petitioners denied allegations stated in the complaint and all the allegations have to be decided after the commencement of trial for evidence. Any factual evidence cannot be decided while considering the matter for quashing the proceedings. Therefore, it is inappropriate to quash the criminal proceedings before the commencement of the trial letting evidence. Hence, I find no merit in the Criminal Original Petition.

6. However, the learned Counsel appearing for the petitioners submitted that the first petitioner is aged about 67 years and she was



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affected with cancer and the second petitioner is sister-in-law of the respondent and they are living separately and the personal appearance of the petitioners before the trial Court may be dispensed with.

7. I have considered the submission of the learned counsel for the petitioners that the first petitioner is aged about 67 years and she was affected with cancer and the second petitioner is the sister-in-law of the respondent and they are living separately. Hence, the personal appearance of the petitioners before the trial Court is hereby dispensed with, subject to the condition that the petitioners shall appear before the trial Court, whenever required for further proceedings.

8. Accordingly this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

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Internet: Yes./No
Index: Yes/no
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To
The Judicial Magistrate,
Additional Mahila Court,
Madurai.



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V.SIVAGNANAM, J.

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