



Crl.O.P.(MD) No.13455 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13455 of 2022

and

Crl.M.P(MD) Nos.8560 & 8561 of 2022

1. Karuppathal
2. C.Udhayakumar
3. U.Kaleeswari ... Petitioners/Respondents 2 to 4

Vs

Tamilarasi ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to D.V.O.P.No.16 of 2021, on the file of the learned District Munsif cum Judicial Magistrate No.I, Kodaikanal and to quash the same so far as the petitioners are concerned.

For Petitioners : Mr.J.Lawrance

ORDER

This Criminal Original Petition has been filed to quash the proceedings in D.V.O.P.No.16 of 2021, on the file of the District Munsif cum Judicial Magistrate No.I, Kodaikanal.



Crl.O.P.(MD) No.13455 of 2022

2. The learned counsel for the petitioners submitted that the first petitioner is the mother-in-law of the respondent, the second petitioner is the brother of the respondent's husband and the third petitioner is the wife of the second petitioner. The marriage between the first petitioner's son viz., Senthil kumar and the respondent was solemnized on 07.07.2022. Initially, the said Senthil Kumar and the respondent were living at the matrimonial home happily and in the course of time, there arose some disputes between them and the respondent left the matrimonial home. Thereafter, the respondent preferred a complaint under the Domestic Violence Act, against her husband and the petitioners. The learned counsel further submitted that the petitioners have nothing to do with the matrimonial affairs between the respondent and her husband. Therefore, the petitioners have 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. A perusal of the records reveals the fact that the respondent married the son of the first petitioner, on 07.07.2013. At the time of



Crl.O.P.(MD) No.13455 of 2022

marriage, the parents of the respondent gave 20 sovereign of gold jewels and other household articles. She started her matrimonial life at the matrimonial home only belonging to the first accused viz., Senthil Kumar. Initially, they were living happily and in the course of time, certain misunderstanding crept between them, since it is alleged that the said Senthil Kumar has started to harass her in intoxicated mood and at the instance of the first petitioner, he demanded additional dowry of 10 sovereigns of gold and Rs.1,00,000/- (Rupees One lakh only). Further, her husband started to abuse her, morefully on the ground that the respondent could not give birth to a child even after a lapse of seven years of their marriage and in view of the same, the first accused has practiced mental cruelty on the respondent. Hence, the respondent filed an application in D.V.O.P.No.16 of 2021, on the file of the learned District Munsif cum Judicial Magistrate No.I, Kodaikanal, against the petitioners and her husband and the same is pending.

5. The learned counsel for the petitioners denied the allegations stated in the complaint and submitted that all the allegations have to be decided after the commencement of trial for evidence.



Crl.O.P.(MD) No.13455 of 2022

6. 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 this Criminal Original Petition. However, the learned Counsel appearing for the petitioners submitted that the petitioners are residing at Ottanchathiram and they have to travel nearly 250 kilometers, due to which, they are unable to attend all the hearings and pray that their personal appearance before the trial Court may be dispensed with.

7. I have considered the submission of the learned counsel for the petitioners that the petitioners are residing at Ottanchathiram and they have to travel nearly 250 kilometers, due to which, they are unable to attend all the hearings. 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.



Crl.O.P.(MD) No.13455 of 2022

8. Accordingly this Criminal Original Petition is dismissed.

Consequently, the connected miscellaneous petitions are closed.

26.07.2022

Internet: Yes./No

Index: Yes/no

ebsi

To

1. The District Munsif cum Judicial Magistrate No.I,
Kodaikanal.



WEB COPY



Crl.O.P.(MD) No.13455 of 2022

V.SIVAGNANAM, J.

ebsi

ORDER IN
CRL.O.P (MD) No.13455 of 2022

26.07.2022