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Crl.O.P.(MD)No.18820 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.18820 of 2022 and
Crl.M.P.(MD) Nos.12684 and 12685 of 2022

1. Balasubramanian

2. Jayalakshmi ... Petitioners/respondent Nos.2 and 3

Vs.

Sobana ...Respondent/complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating in D.V.O.P. No.11 of 2022 pending on the file of the learned Judicial Magistrate, Periyakulam, filed by the respondent herein and quash the same as against the petitioners.

For petitioners : Mr.Karuppasamy Pandiyan G

For Respondent :Mr.R.Suriyanarayanan

ORDER

This petition has been filed seeking to quash the proceedings in D.V.O.P. No.11 of 2022 pending on the file of the learned Judicial Magistrate, Periyakulam.



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2.The case of the petitioners is that the son of the petitioners is the husband of the complainant. The petitioners are the in-laws of the complainant. The marriage between the son of the petitioners and the complainant was solemnized on 28.08.2020 and they have a male child out of the wedlock. After marriage, the respondent and her husband were settled at Chennai. Later, the respondent came to know that her husband is addicted to a habit of liquor and online gambling. Due to that, there was a quarrel between them. Due to ill-advice of the petitioners, the respondent's husband refused to live with the respondent. While so, the complainant has filed under the Domestic violence Act against the petitioners and another stating that she was harassed by the petitioners and the same was taken cognizance in DVOP No.11 of 2022, for quashing which, the petitioners are before this Court.

3. The learned counsel for the petitioners would submit that there are no materials whatsoever available with the respondent to show that the petitioners have harassed the complainant. He would submit that the petitioners have nothing to do with the alleged offence and hence, prays for interference.



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4. The learned counsel for the respondent/complainant, on the other hand, would submit that there are materials available to proceed with the case as against the petitioners herein, since at the instigation of the petitioners, the husband of the complainant harassed the respondent and hence, at the threshold, the domestic violence proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. It is seen that the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioners, if they are subjected to due trial as sufficient opportunity would be given to them to put forth their defence. The petitioners cannot be let by quashing the charges framed against them as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against him. Useful reference in this regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***.

6. For the reasons aforesaid, this Court finds no ground or scope to quash DVOP.No.11 of 2022, pending on the file of the learned Judicial Magistrate, Periyakulam. Accordingly, this petition, being devoid of



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merits, is dismissed. Consequently, connected miscellaneous petitions are dismissed.

7. The learned counsel appearing for the petitioners submitted that this Court may consider dispensing with the personal appearance of the petitioners before the court below. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

12.03.2024

Index : Yes/No
Internet : Yes/No
Indu

To

1. The Judicial Magistrate, Periyakulam.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

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