

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2015

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.922 of 2014

&

M.P.Nos.1& 2 of 2014

1.A.Karthikeyan

2.Arumugam

3.Saraswathy

4.R.Indumathy

5.Raman

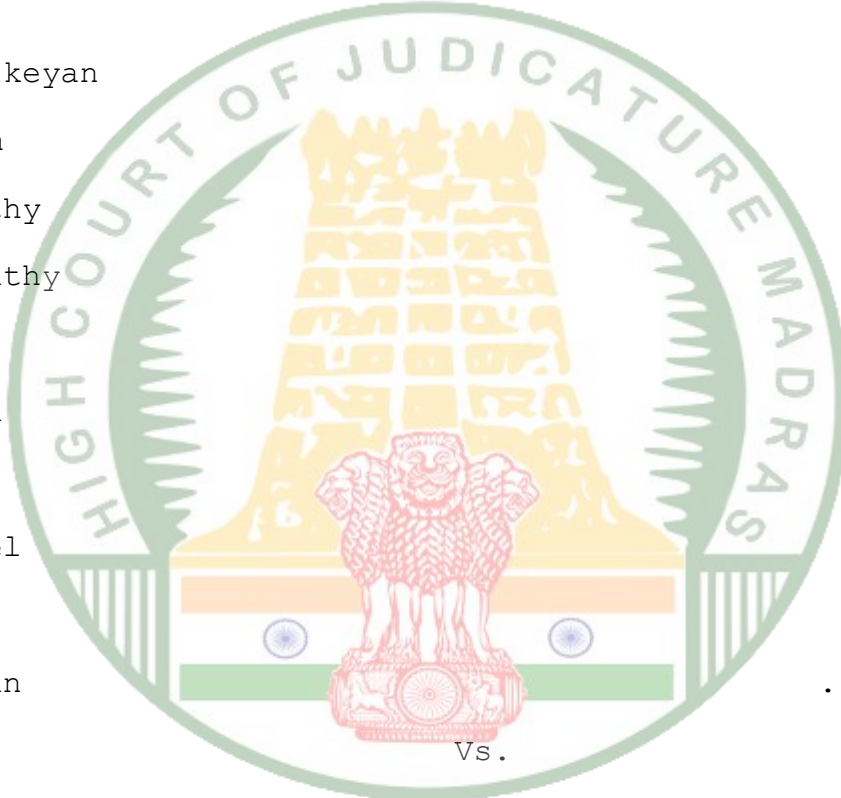
6.S.Chitra

7.K.Raman

8.Sakthivel

9.Sasi

10.Govindan



...Petitioners

Vs.

1.L.Gokila

2.The Protection Officer,
Domestic Violence Act, 2005,
Villupuram.

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 481 Cr.P.C to call for the records, pertaining to the proceedings in M.C.No.7 of 2013, on the file of the Judicial Magistrate No.1, Villupuram and quash the same.

For Petitioners : Mr.N.Ramesh

For Respondents No.1 : (No appearance)

O R D E R

This criminal original petition has been filed to quash the proceedings in M.C.No.7 of 2013 initiated by the respondent under the provision of Domestic Violence Act.

2. The first petitioner got married to the first respondent on 09.02.2012 and they have no children through their Wedlock.

3. After marriage, their matrimonial life ran into rough weather on account of which, the spouses got estranged. The first respondent initiated action against the petitioners in M.C.No.7 of 2013 before the Judicial Magistrate No.1, Villupuram, under the Domestic Violence Act for various reliefs. In the mean time, the first petitioner filed H.M.O.P. No.22 of 2013 before the Sub-Court, Neyveli, against the first respondent for decree of divorce.

4. It is seen that the parties arrived at a compromise, where by, the first respondent appeared before the Sub-Court, Neyveli, in H.M.O.P. No.22 of 2013 and submitted that, she has received a sum of Rs.6,00,000/- as full and final settlement from the first petitioner and that, on account of irreconcilable differences, they cannot reunite and so, she gave her consent for dissolution of marriage. A copy of the judgment and decree passed by the Sub-Court, Neyveli, in H.M.O.P. No.22 of 2013, on 06.03.2015, has been filed before this Court.

5. This Court ordered notice to the respondents and after service of notice, Mr.M.Chidambaram, Advocate, appeared for the first respondent before this Court on 20.07.2015 and undertook to file a formal consent affidavit of the first respondent. Hence, this case was posted finally today "for orders".

6. Today, when the matter was called, Mr.M.Chidambaram, learned counsel for first respondent, did not appear though his name and also the name of the respondent, are shown in the cause list. This Court passed over this matter and directed the Court officer to put the name of Mr.M.Chidambaram, learned counsel for first respondent, in the display board, despite which, he did not appear before this Court.

7. In view of the statement made by the respondent in the matrimonial proceedings and in the light of the fact that recording her statement, the Sub - Court, Neyveli, has passed decree of divorce in H.M.O.P.No.22 of 2013, on 06.03.2015, the proceedings in M.C.No.7 of 2013 pending on the file of the learned Judicial Magistrate No.I, Villupuram, is hereby quashed.

With the above said observations, this petition is allowed.
Consequently, connected miscellaneous petitions are closed.

sms

s/d-
Assistant Registrar(CO)

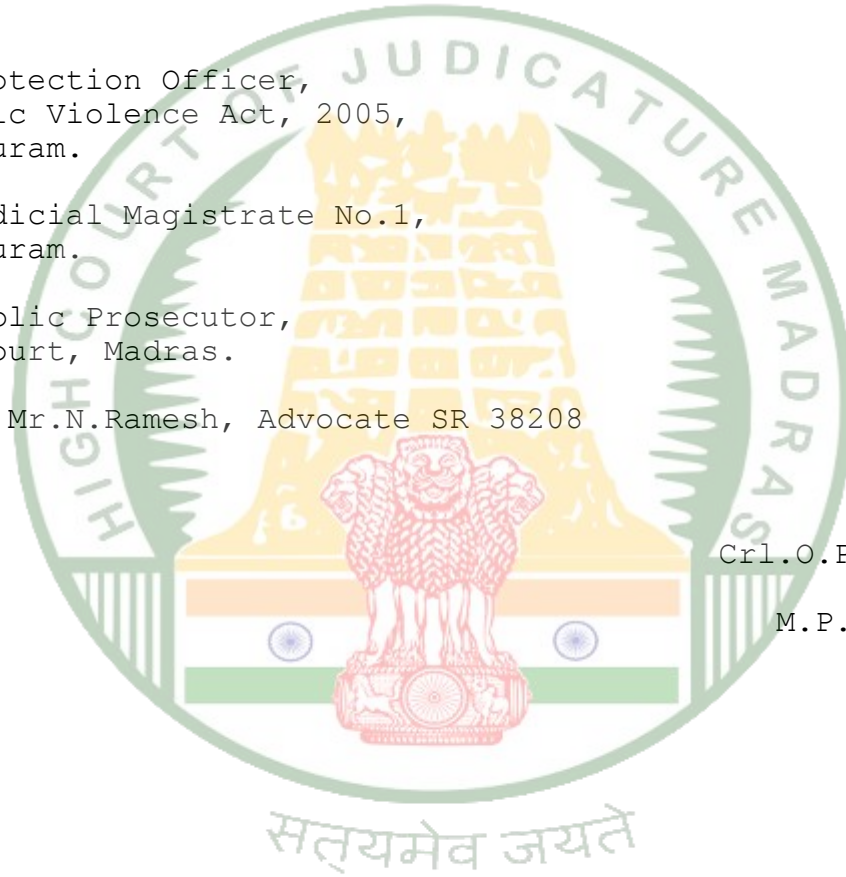
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Sub-Assistant Registrar

To

1. The Protection Officer,
Domestic Violence Act, 2005,
Villupuram.
 2. The Judicial Magistrate No.1,
Villupuram.
 3. The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr.N.Ramesh, Advocate SR 38208

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&
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