

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.21910 of 2015
and M.P.No.1 of 2015

1.B.Surendrababu
2.B.Nagarathinam @ Nagarathinammal
3.B.Prasad
4.C.H.Venkatadhri
5.Girija

.. Petitioners

Vs

Anisha

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records on the file of the Judicial Magistrate Court, Tambaram in D.V.38 of 2014 and quash the same as illegal and unjust.

For Petitioners : Mr.K.Subbu Ranga Bharathi

For Respondent : Mr.P.K.Ganesh

O R D E R

This petition has been filed to call for the records on the file of the Judicial Magistrate Court, Tambaram in D.V.38 of 2014 and quash the same as illegal and unjust.

2. For the sake of convenience, the parties will be referred to by their name.

3. Anisha got married to Surendrababu on 10.05.2006 and they have one son through the wedlock. It appears that their marriage ran into rough weather and the parties got estranged. Anisha has initiated proceedings in D.V.No.38 of 2014 before the learned Judicial Magistrate, Tambaram under the Domestic Violence Act for quashing which the petitioners are before this Court on the ground that, they arrived at a settlement.

4. Today, Anisha, the defacto complainant is present and she has filed an affidavit, wherein it is stated as follows in paragraphs 4, 5 and 6:

"4. I state that I have entered into a joint memo of compromise dated 15.09.2015 with the first petitioner. I undertake that I will act upon the terms of joint memo of compromise. I will not violate the terms of joint memo of compromise.

5. I submit that the first petitioner has also sworn a separate affidavit herein, reporting the compromise and seeking quash of the proceedings in D.V.No.38 of 2014 pending on the file of the learned Judicial Magistrate, Tambaram. He undertakes that he will act upon the terms of memo of compromise. He also agreed that he will not violate the terms of joint memo of compromise.

6. I submit that prima facie the issue was family dispute, nevertheless the issue has been amicably settled between us and therefore the pendency of the D.V.No.38 of 2014 pending on the file of learned Judicial Magistrate, Tambaram against the petitioners would not serve any useful purpose."

In view of the above, this petition is allowed and the entire prosecution as against all the accused in D.V.No.38 of 2014 on the file of the learned Judicial Magistrate, Tambaram is hereby quashed. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. Judicial Magistrate Court,
Tambaram.

+4 ccs to Mr.K.Subbu Ranga Bharathi, Advocate, sr.52633
(29/09/2015)

Cr1.O.P.No.21910 of 2015

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cp 28/09/2015