

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.32703 of 2013
and
M.P.Nos.1 and 2 of 2013

1.Premila Regu Issac Daniel
2.Regu Issac Daniel
3.Jiji Gody Santhosh David

...Petitioners

Vs

Geleena Godwin

...Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records in D.V.A.No.31 of 2013 on the file of the learned Judicial Magistrate, Tambaram and to quash the same.

For Petitioners : Mr.S.Eraskine Leo

For Respondent : Mrs.Kala Ramesh

ORDER

This Criminal Original Petition has been filed praying to call for the records in D.V.A.No.31 of 2013 on the file of the learned Judicial Magistrate, Tambaram and to quash the same.

2. Heard Mr.S.Eraskine Leo, learned counsel for the petitioners and Mrs.Kala Ramesh, learned counsel appearing for the respondent.

3. It is seen that that the respondent/wife got married to Anand Kiruba, son of the petitioners 1 and 2 herein on 09.05.2011 and they have one child through the wedlock. It appears that their matrimonial life ran into rough weather and the respondent/wife got estranged from her husband Anand Kiruba, following which she has

launched the proceedings before the Judicial Magistrate, Tambaram under the Domestic Violence Act, arraying Anand Kiruba as 1st respondent and the petitioners herein as respondents 2 to 4.

4. The matter was referred to the Mediation Centre and before the Mediation Centre, partial agreement appears to have been entered into between the parties on 04.09.2014. The report dated 04.09.2014 is extracted herewith:

"... 1. The respondent agreed to receive all her gold articles in the custody of the petitioners, and on 25.07.2014 the petitioners returned the jewellery as listed in the receipt signed by all parties.

2. The petitioners agreed to pay a sum of Rs.34,300/- [Rupees thirty four thousand three hundred only] and the respondent received the same from them on 21.08.2014 by way of Demand Draft No.011801 drawn on State Bank of India, Nagercoil and agreed that she had no further claims against the petitioners in respect of her jewellery.

3. The respondent agreed that she does not want her husband to return the gold jewellery given by her family to the respondent.

The parties therefore partially settled the matter and could not come to an consensus with respect of any future harassment by the petitioners as prayed for in D.V.C.No.31/2013, J.M.Tambaram. Hence, the matter is referred back to the Hon'ble Court as partially settled."

5. Ms.Kala Ramesh, learned counsel appearing for the respondent/wife submitted that there are enough allegations in the petition for proceeding against the petitioners herein. It is seen that after marriage, Anand Kiruba was living in the house of the respondent/ wife in Velachery near Tambaram and these petitioners were living in Nagercoil, Kanyakumari District.

6. This Court, on a careful scrutiny of the complaint, finds that the allegations against these petitioners are routine allegations and in view of the fact, before the Mediation Centre, jewelleries have also been returned to the respondent/wife, it will be a traversity of justice, if the proceedings against the petitioners herein continues. Hence, this Criminal Original Petition stands allowed and the proceedings in

D.V.A.No.31 of 2013 on the file of the learned Judicial Magistrate, Tambaram are quashed. Connected MPs are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

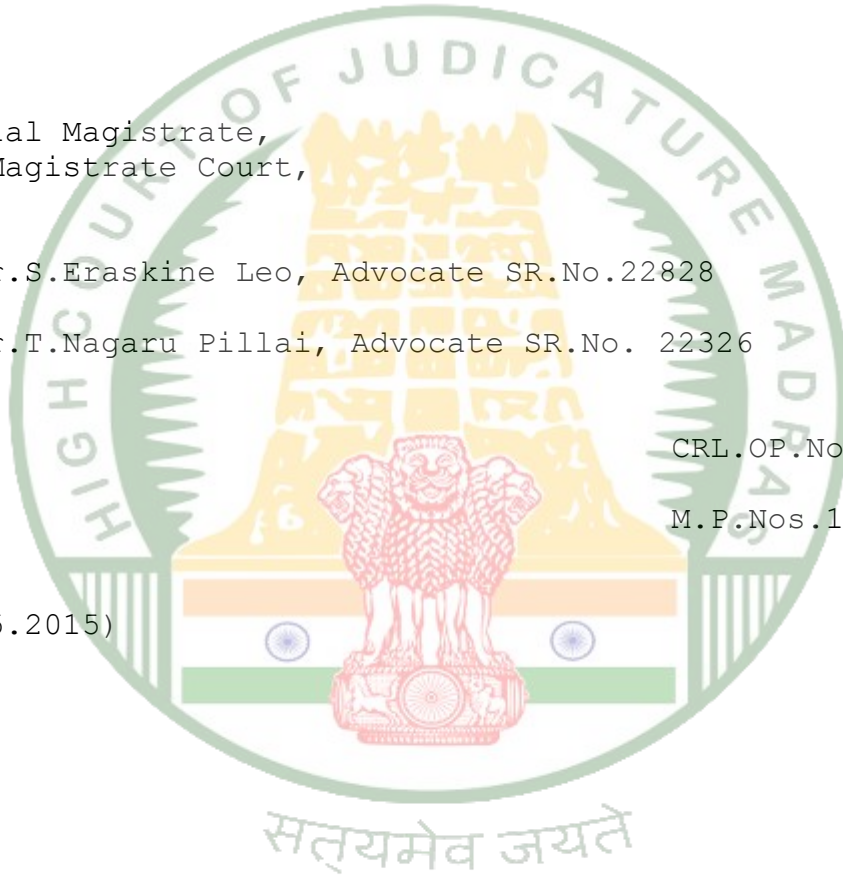
The Judicial Magistrate,
Judicial Magistrate Court,
Tambaram.

1 CC to Mr.S.Eraskine Leo, Advocate SR.No.22828

1 CC to Mr.T.Nagaru Pillai, Advocate SR.No. 22326

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EV (CO)
PSI (06.05.2015)



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