

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.12.2014

DELIVERED ON : 08.06.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Criminal Original Petition No.29753 of 2012
& M.P.Nos.1 and 2 of 2012

and

Criminal Revision Case No.558 of 2013
& M.P.Nos.1 and 2 of 2013

1.Parvathi
W/o.Late Gandharaj

2.Dhanraj
S/o.Late Gandhraj

...Petitioners in both
Crl.O.P. & Crl.R.C.

vs.

Kavitha
W/o.Dhanraj

...Respondent in both
Crl.O.P. & Crl.R.C.

Prayer:

Crl.O.P.No.29753 of 2012

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure praying to call for the records relating to the complaint filed by the respondent in M.C.No.19 of 2012 on the file of learned Judicial Magistrate I, Puducherry and to quash the same.

Crl.R.C.No.558 of 2013

Criminal Revision Case filed under Sections 397 & 401 of the Code of Criminal Procedure against the judgment made in C.A.No.18 of 2012 on the file of learned III Additional Sessions Judge, Puducherry, dated 18.12.2012 confirmed by the order made in Crl.M.P.No.3025 of 2012 in Un M.C.No..../2012 on the file of learned Judicial Magistrate I, Puducherry, dated 10.08.2012.

For Petitioners : Mr.V.S.Sivasundaram

For Respondent : Mr.Prakash Adiapadam

C O M M O N O R D E R

As the petitioners/accused and respondent/complainant are common in both cases, they can be disposed of by a common order.

2. Petitioners are mother-in-law and husband of the respondent respectively. The marriage between second petitioner and respondent was solemnized on 17.10.2005. Differences arose between them. Unable to bear the harassment of petitioners, respondent left the matrimonial home in 2008 and preferred a complaint in M.C.No.19 of 2012 before learned Judicial Magistrate I, Puducherry, under section 12 of the Protection of Women from Domestic Violence act, 2005, against petitioners. Seeking quash of such complaint, petitioners have filed CrI.O.P.No.29753 of 2012.

3. Respondent has filed Cr.M.P.No.3025 of 2012 in Un.M.C.No.../2012 on the file of learned Judicial Magistrate I, Puducherry, seeking permission to enter into the shared house hold and the Court below, on 10.08.2012, passed an ex parte order permitting the respondent to reside in the shared household. Challenging such order, petitioners preferred C.A.No.18 of 2012 on the file of learned III Additional Sessions Judge, Puducherry. Under judgment dated 18.12.2012, the appellate Court, dismissed such appeal. Challenging such judgment, CrI.R.C.No.558 of 2013 has been filed.

4. Heard learned counsel for petitioners and learned counsel for respondents.

5. Taking note of the submission of learned counsel on either side to the effect that the parties have agreed to amicably settle the matter and respondent has agreed to receive a sum of Rs.18,00,000/- from petitioners in full and final settlement, this Court reserved orders on 12.12.2014, observing as follows:

"Parties as also their respective counsel informed of a settlement arrived at. First petitioner has agreed to pay a sum of Rs.18,00,000/- to the respondent, sum of Rs.9,00,000/- payable within a period of one month and balance within two months thereafter. Thereupon, all proceedings between the parties, and before any forum shall be brought to an end. It is agreed that the respondent may move application for divorce and that the second petitioner/husband would consent thereto. The parties undertake to go about their lives without in any manner interfering with the other.

Order stands reserved towards recording compliance."

Sum of Rs.18,00,000/- now stands paid to the respondent as evidenced by copies of Demand Draft Nos.688138 dated 05.01.2015 and 688676 dated 09.03.2015 submitted before the Registry, as directed by this Court. Considering the circumstances and the decision of the Honourable Apex Court in B.S.Joshi and others Vs. State of Haryana and another AIR 2003 SCC 1386 wherein it is held that it is the duty of the Court to encourage genuine settlement of matrimonial disputes, this Court orders as follows:

- (i)Crl.O.P.No.29753 of 2012 shall stand allowed and the complaint in M.C.No.19 of 2012 on the file of learned Judicial Magistrate I, Puducherry, shall stand quashed. Consequently, connected miscellaneous petitions are closed.
- (ii)Crl.R.C.No.558 of 2013 shall stand allowed. The judgment of learned III Additional Sessions Judge, Puducherry, passed in C.A.No.18 of 2012 on 18.12.2012 confirming the order of learned Judicial Magistrate I, Puducherry, passed in Crl.M.P.No.3025 of 2012 in Un M.C.No..../2012 on 10.08.2012, shall stand set aside. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1. The III Additional Sessions Judge,
Puducherry.
2. The Judicial Magistrate I,
Puducherry.

+1cc to Mr.V.S.Sivasundaram, Advocate, S.R.No.27266

Criminal Original Petition No.29753 of 2012
& Criminal Revision Case No.558 of 2013

LRS (CO)
CA(16/06/2015)

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