

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P. No.26711 of 2014

and

M.P.No.1 of 2014 and M.P.No.1 of 2015

1.S.Rajiv

2.N.M.Sekar

3.S.Maheshwari

4.Om Priyadharshini

5.G.Omprakasam

... Petitioners/Respondent

Vs.

N.Hemalatha

... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records in respect of the Domestic Violence complaint in DVA No.30/2013 on the file of the Judicial Magistrate No.I, Coimbatore and quash the same.

For petitioners : Dr.C.Ravichandran

For Respondent : Mr.R.Bharanidharan

ORDER

This petition has been filed to call for the entire records in respect of the Domestic Violence complaint in DVA No.30/2013 on the file of the Judicial Magistrate No.I, Coimbatore and quash the same.

2. Heard the learned counsel for the petitioners and the learned counsel for the de facto complainant.

3. Hemalatha got married to Rajiv on 09.02.2012 and their marriage ran into rough weather. Hemalatha has initiated proceedings in DVA No.30 of 2013 before the Judicial Magistrate-I, Coimbatore under the Domestic Violence Act against the petitioners herein, challenging which they are before this Court, on the ground that the parties have arrived at a compromise.

4. Today, N.Hemalatha, the de facto complainant is present and is identified by Mr.R.Bharanidharan, learned counsel on record.

5. A copy of the Memorandum of Understanding dated 02.07.2016 signed by all the parties, including Hemalatha has been filed, wherein the relevant portion relating to this case is as follows:

"(f) The Party of the First Part have obtained stay in Criminal O.P.No.26711/2014 now pending before the Hon'ble court of Madras in DVA 30/2013 now captioned as case No:9, the above case will be clubbed or will get posted before the Hon'ble High Court of Madras along with other two quash petitions which are yet to be filed by the Party of the First and Second Part. The Party of the Third Part undertakes to co-operate and to close or quash the cases before Hon'ble High Court at Madras."

6. This Court made direct enquiries with Hemalatha and she stated that she had entered into the said Memorandum of Understanding on her own volition. Pursuant to the Memorandum of Understanding, the balance sum of Rs.25 lakhs has been paid to Hemalatha by way of three Demand Drafts bearing Nos.196002 [for Rs.5 lakhs], 196019 [for Rs.10 lakhs] and 196020 [for Rs.10 lakhs], all dated 29.08.2016, drawn on Bank of Maharashtra and the same were handed over to her in the open Court.

In view of the above, this petition is allowed and the prosecution in DVA No.30/2013 on the file of the Judicial Magistrate No.I, Coimbatore, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Judicial Magistrate No.I,
Coimbatore.

2.Do- Through The Chief Judicial Magistrate,
Coimbatore.

+1cc to Dr.C.Ravichandran, Advocate, S.R.No.50772

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.50769

+1cc to Dr.C.Ravichandran, Advoca, S.R.No.51049 (15.09.2016)

Cr1.O.P. No.26711 of 2014

UG(CO)
CA(14/09/2016)



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