

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Crl.O.P No.15442 of 2011

and

M.P.No.1 of 2011

Peter @ Peter Samuel
Gunasekaran David Petitioner/Accused

vs.

1.Jeena Peter @ Jeena @
Gladjelina Jeena Shakila

2.Kingston Ebinazer David ... Respondents/Complainant

Prayer: Criminal Original Petitions filed under Section 482 of Cr.P.C., to call for records relating to the complaint in DVA/8/2011 on the file of Judicial Magistrate No.II, Coimbatore and to quash the same.

For Petitioner : Mr.R.G.Narendhiran

For Respondents : Mr.K.Balaji

JUDGMENT

The petitioner has filed this Criminal Original Petition to call for records relating to the complaint in DVA/8/2011 on the file of Judicial Magistrate No.II, Coimbatore and to quash the same by allowing this Criminal Original Petition.

2.The petitioner herein has come up with this Criminal Original Petition invoking the inherent power of this Court under Section 482 of Cr.P.C. to quash a private complaint in DAV/8/2011 lodged by the respondents under Section 12, 18, 19, 20 and 22 of the Protection of Women from Domestic Violation Act 2005. The 1st and 2nd respondents are the wife and son of the petitioner respectively. Earlier there arose a family dispute between the petitioner and the 1st respondent herein, out of which the 1st respondent filed a complaint against the

petitioner under the Protection of Women from Domestic Violation Act 2005. According to the petitioner, the complaint filed against him is an utter false and baseless. Therefore to prevent abuse of process of Law, the petitioner has filed the above Criminal Original petition to quash the proceedings under the Protection of Women from Domestic Violation Act 2005 as illegal.

3. When the criminal original petition came up for admission, this Court was inclined to pass an order of interim stay. Now when the matter was taken up for final hearing it was represented by both the counsels for the petitioner and the respondents that the problem existed between the petitioner and the respondent got amicably settled long back in the year 2012 itself and from that point of time both the petitioner and the respondents are living together. It was further represented by the counsel for the respondents that the respondents, in furtherance of reunion with the petitioner, submits consent for quashing the criminal proceedings in DAV/8/2011.

4. The respondents also filed a consent/ no objection affidavit dated 19.03.2017 to quash the private complaint in DAV/8/2011 by allowing this Criminal Original Petition. The relevant portion in the consent affidavit is extracted hereunder "I submit that while pending the above Crl.O.P with the intervention of well wishers and family members, we had settled our issues and compromised the dispute amicably, both we and the petitioner were reunion and we are living together from June 2012. I have also withdrawn the divorce petition filed by me before the Family Court, Coimbatore"

5. That apart the petitioner and the respondents have also filed a joint Memo of compromise dated 19.03.2017 signed by all the parties thereto, wherein both the respondents submitted their consent to quash the above private complaint in consequence of the amicable settlement arrived in their family.

6. Therefore, this Court on taking into account of the consent affidavit and the joint compromise memo filed by the petitioner and respondents, in the light of the amicable settlement of the matrimonial dispute between the petitioner and the 1st respondent, besides that the petitioner and the respondents have reunited and they are living together from the year 2012, this Court deems fit to quash the above Criminal complaint.

7. Accordingly the Criminal original petition is allowed and the complaint in DVA/8/2011, on the file of Judicial Magistrate No.II. Coimbatore, is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vs

To

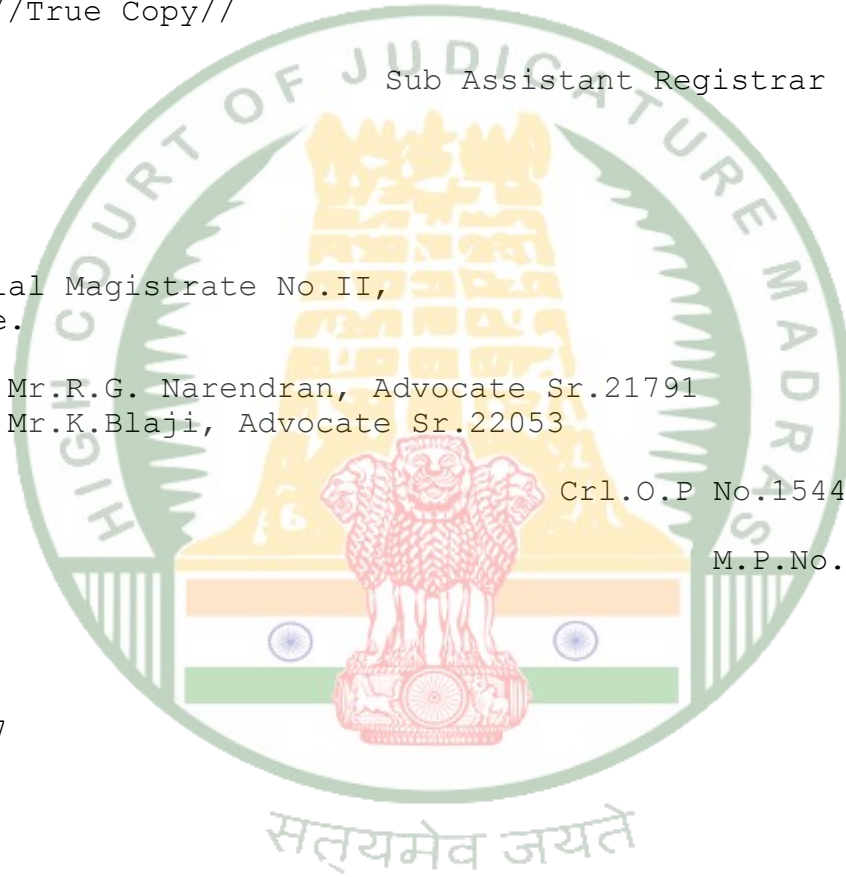
The Judicial Magistrate No.II,
Coimbatore.

+ 1 cc to Mr.R.G. Narendran, Advocate Sr.21791

+ 1 cc to Mr.K.Blaji, Advocate Sr.22053

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