

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 22.06.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH**Cr1.O.P. (MD) No.23697 of 2015 &
M.P. (MD) .Nos.1 and 2 of 2015**

1.R.Tiruvidam
2.T.Santhi
3.T.Eniyan

: Petitioners/Respondents 2 to 4

-vs-

A.K.Abinayasri

: Respondent/Petitioner

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure, praying to call for the records and to quash the same in M.C.No.289 of 2014 pending on the file of the Additional Mahila Court (Judicial Magistrate), Madurai under the Protection of Women from Domestic Violence Act, 2005 in so far as the petitioners concern.

For Petitioners : Mr.R.Rajarathinam.
For Respondent : Mr.K.Samidurai

O R D E R

For the sake of convenience the parties are referred to by their name. Chezhiyan got married to Abinayasri on 28.06.2013 and their marriage ran into rough weather, resulting in the spouses getting estranged. Abinayasri filed M.C.No.289 of 2014 before the Additional Mahila Court, Judicial Magistrate, Madurai, against Chezhiyan and his family members under the Domestic Violence Act. Abinayasri also filed M.C.No.103 of 2014 before the Family Court, Madurai against Chezhiyan under Section 125 Cr.P.C. During the pendency of these proceedings, the parties arrived at compromise and filed a petition under Section 13 B of the Hindu Marriage Act for divorce before the Family Court Madurai.

2.Today, when the matter was taken up for hearing, both parties are present before this Court and they have filed a joint compromise memo dated 10.04.2017, duly signed by them and also by their respective counsel, wherein, they have stated as follows:



"5.The 1st and 2nd petitioners son and the respondent/wife agree to file a divorce petition on the ground of mutual consent before the Family Court, Madurai, on the day or immediately after the withdrawal of the petitions in M.C.No.103 of 2014, on the file of the Family Court, Madurai, and M.C.No.289 of 2014, before the Mahila Court, Madurai by the respondent/wife."

3.In view of the joint memo of compromise dated 10.04.2017, this Court is of the opinion that no useful purpose would be served in keeping the matter pending.

4.Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties and the entire proceedings in M.C.No.289 of 2014 on the file of the Additional Mahila Court, (Judicial Magistrate), Madurai, and the proceedings in M.C.No.103 of 2014, on the file of Family Court, Madurai, are hereby quashed against all the respondents therein. The joint compromise memo dated 10.04.2017 shall form part of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To:

1. The Additional Mahila Court
(Judicial Magistrate), Madurai.

2. The Family Court, Madurai.

+1cc to M/S. K.SAMIDURAI, Advocate, SR.No.61906.

Order made in
Cr1.O.P. (MD) No.23697 of 2015
22.06.2017

jikr
SDS/SKN:RSK/SAR 2/10.07.2017/2P/4C