

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI.O.P.No.25935 of 2017 &
CrI.M.P.Nos.14956, 14957 of 2017
and 1503 of 2018

1. K.Raja
2. Amirtham
3. Ganesh

... Petitioners

Vs

S.Sunthara Vadivu

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pending on the file of the learned Judicial Magistrate No I, Thiruppathur, Vellore District in D.V.C.No.1 of 2017 and quash the Criminal proceedings.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.S.Sithirai Anandan

ORDER

This Criminal Original Petition has been filed to call for the records pending on the file of the learned Judicial Magistrate No I, Thiruppathur, Vellore District in D.V.C.No.1 of 2017 and quash the same.

2. Sathiyamoorthy got married to Sunthara Vadivu on 14.09.2009 and they have one son through the wedlock. Sathiyamoorthy died on 30.01.2017 in a road accident. Thereafter, Sundara Vadivu initiated proceedings in D.V.C.No.1 of 2017 before the learned Judicial Magistrate No.I, Thiruppathur, Vellore District under the Domestic Violence Act, claiming various reliefs against her parents-in-law and brother-in-law, for quashing which, this petition has been filed.

3. During the pendency of this petition, the parties were referred to the Mediation Centre, where they have arrived at a compromise, as could be seen from the report dated 14.03.2018. The terms of the compromise are as under:

"JOINT COMPROMISE MEMO FILED BY THE

PETITIONERS AND RESPONDENT

1. It is humbly submitted that the Petitioners has been filed above said Criminal Original Petition against the respondent and call for the records pending on the file of the Learned Judicial Magistrate, No. 1, Thiruppathur, Vellore District in D.V.C.No.1/2017 and quash the criminal Proceedings and others reliefs" before this Hon'ble Court.

2. We further submitted that the above said matter was referred to Mediation on request made by the both parties.

The Petitioners and respondent now arrived compromise before the Mediation and Conciliation Center at High Court Madras the following compromise has effected to the above said dispute amicable relationship.

3. The terms of the agree compromise as under as follows.

i.) The Petitioners are agreed to give No objection of legal heirs certificate as obtained by the respondent and her Minor son namely R.S.Tharhuan from the authorities.

ii.) Out of agree this compromise the amount paid by the Neyveli Lignite Corporation (NLC) in the name of deceased R.Sathyamoorthi having bank Account No. 10895269333 in State Bank of India, Block -II, Neyveli Township Branch shall be entitled for withdraw the Petitioners, respondent and her Minor son namely R.S.Tharhuan following manner as follows;-

a.) Petitioners 1 and 2 are entitled 1/3rd share

b.) Respondent is entitled 1/3rd Share

c.) Minor son Namely R.S.Tharhuan is entitled 1/3rd Share. The Minor amount shall be deposited any nationalized as fixed deposit till attending his Majority.

iii.) The petitioners are agreed to LIC policy, Threft Society bank and any bank account maintained by the deceased R. Sathiyamoorthi shall be entitled for respondent and her minor son namely R.S.Tharhuan as aforesaid mentioned compromise

memo as under clause No. II .

iv.) The Petitioners agree that no objection to the respondents entitled for in her husband job Neyveli Lignite Corporation as senior technical Gr-II, Surplus Cell, L & Dc (C.P.F.No.41732) on the ground of compassionate grounds.

v.) Whatsoever, the petitioners agree and ready to settle any immovable properties in name of the 1st petitioner (Raja) is minor grandson namely R.S.Tharhuan have right and title over the same in future.

vi.) The Petitioners agree to withdraw the suit in O.S.No. 48 of 2016 on the file of District Munsif cum Judicial Magistrate, Neyveli, against the respondent and others .

vii.) The respondent has given no objection to quash the domestic violence proceeding in D.V.No. 1 of 2017 on the file of judicial magistrate Thiruppathur, Vellore District against the petitioners not pressed as withdrawn by the same.

viii.) Both parties are agreed not to have any future litigation with regard to issues decided herein above.

5. Both parties agree to bear their respective costs.

Foregoing reasons it is prayed that this Hon'ble court may be pleased to record this compromise memo and prayed for and order to be drawn in terms of the same and thus render justice.

Dated at Chennai on this 14th day of March, 2018."

4. In view of the above, this petition is allowed and the proceedings in D.V.C.No.1 of 2017 on the file of the learned Judicial Magistrate No.I, Thiruppathur, Vellore District is hereby quashed on condition that the petitioners shall pay a sum of Rs.1,000/- (Rupees one thousand only) each (total Rs.3,000/-) as costs to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of two weeks from the date of receipt of a copy of this order

and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently, connected miscellaneous petitions are closed.

Xerox Copy of Memo of Compromise Attached

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

vum/gms

To

- 1.The Judicial Magistrate No I,
Thiruppathur, Vellore District .
2. The Section Officer,
Accounts Section,
High Court, Madras.

+lcc to Mr.S.Sithirai Anandam, Advocate SR.No.73141

Crl.O.P.No.25935 of 2017

KAN(CO)
GN(29/10/2018)



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