

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.07.2019

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.9539 of 2018
and
Crl.M.P Nos.4901 & 4902 of 2018

1.C.Nataraj
2.Muthulakshmi

...Petitioners

Vs.

N.Rathipriya

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in D.V.A No.3 of 2017 pending on the file of the learned Judicial Magistrate, Erode and quash the same.

For Petitioners : Mr.P.Palaninathan

For Respondent : Mr.A.K.Sridharan

ORDER

This petition has been filed seeking to quash the proceedings in D.V.A No.3 of 2017 pending on the file of the Judicial Magistrate, Erode.

2. It is seen from the records that the marriage between the petitioner and her husband N.Prabakaran was dissolved by the judgment passed by the Family Court, Erode dated 30.01.2018. The said judgment and decree became a subject matter of challenge before this Court in C.M.A No.879 of 2018. This Court referred the parties for mediation and the parties compromised the dispute among themselves by filing a Joint Memo of Compromise. The relevant portion of the joint memo of compromise is extracted hereunder.

4. That the Appellant shall withdraw the Domestic Violence Act complaint in D.V.A No.3 of 2017 on the file of the Judicial Magistrate No.I, Erode by filing a Memo/Endorsement in the Criminal Complaint before JM I, Erode or shall make an endorsement in the Crl.O.P No.9539/2018 filed by C.Nataraj and Muthulakshmi, parents of the Respondents herein before the Hon'ble High Court of Madras, to withdraw the Domestic Violence Act complaint in D.V.A No.3 of 2017 on the file of the Judicial Magistrate I, Erode".

3. This Court had confirmed the judgment and decree passed by the Family Court in view of the compromise between the parties, by judgment dated 11.12.2018.

4. This petition has been filed challenging the domestic violence proceedings initiated by the respondent against the father-in-law and mother-in-law.

5. In view of the above development, no useful purpose will be served by keeping the proceedings pending since the parties have already entered into a compromise and the marriage has also been dissolved.

6. In the result, the proceedings in D.V.A No.3 of 2017 is quashed both for the petitioners as well as the husband of the respondent, namely N.Prabakaran.

7. This Criminal Original Petition is allowed accordingly. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate No.I,
Erode.

+1cc to Mr.P.Palaninathan, Advocate, S.R.No.57866

CRL.O.P No.9539 of 2018
and

CrI.M.P Nos.4901 and 4902 of 2018

SPD(CO)

RRS(01/08/2019)