

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.22853 and 28007 of 2017,
50 and 67 of 2019 and 6040 of 2018
and

Crl.M.P.Nos.12789 of 2018 & 13317 and 15935 of 2017

Crl.O.P.No.22853 of 2017:

1.Jerome Surendran

2.Mary Bridget Sarojini : Petitioners/Accused 2 and 3

Vs.

1.State represented by

The Inspector of Police,
Katpadi Police Station,
Vellore District.

:1st Respondent/

Complainant

2.Asha Thomas

:2nd Respondent/De- facto

Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in the FIR in Crime No.334 of 2017 on the file of the Inspector of Police, Katpadi, Vellore and quash the same.

For Petitioners : Mr.K.Shankar

For 1st Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

For 2nd Respondent : Mr.M.Sathish Kumar

For M/s S.Raja Ravi Varma

Crl.O.P.No.28007 of 2017:

1.Jerome Surendran

2.Mary Bridget Sarojini

: Petitioners

Vs.

Asha

: Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in D.V.C.No.25 of 2017 on the file of the Judicial Magistrate No.III, Vellore and quash the same.

For Petitioners : Mr.K.Shankar

For Respondent : Mr.M.Sathish Kumar
For M/s S.Raja Ravi Varma

Cr1.O.P.No.50 of 2019:

Thomas Dhinesh : Petitioner

Vs.

Asha : Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the proceeding in D.V.C.No.25 of 2017 pending before the learned Judicial Magistrate-III, Vellore and quash the same in respect of the petitioner.

For Petitioner : Mr.K.Shankar

For Respondent : Mr.M.Sathish Kumar
For M/s S.Raja Ravi Varma

Cr1.O.P.No.6040 of 2018:

Asha : Petitioner

Vs.

1.Thomas Dinesh

2.Jerome Surendran

3.Mary Bridget : Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the Judicial Magistrate No.III, Vellore, Vellore District to dispose of the C.M.P.No.1724 of 2017 in D.V.C.No.25 of 2017 within a stipulated period.

For Petitioner : Mr.M.Sathish Kumar
For M/s S.Raja Ravi Varma

For Respondents : Mr.K.Shankar

Crl.O.P.No.67 of 2019:

Thomas Dhinesh

: Petitioner

Vs.

1.The Inspector of Police,
Katpadi Police Station,
Vellore District.
(Crime No.334 of 2017)

: 1st Respondent / Complainant

2.Asha

: 2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the FIR in Crime No.334 of 2017 case now pending on the file of the Inspector of Police, Katpadi Police Station, Vellore District, and quash the same in respect of the petitioner.

For Petitioner : Mr.K.Shankar

For 1st Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For 2nd Respondent : Mr.M.Sathish Kumar
For M/s S.Raja Ravi Varma

COMMON ORDER

Crl.O.P.Nos.22853 of 2017 and 67 of 2019 have been filed seeking to quash the F.I.R in Crime No.334 of 2017, pending on the file of the Inspector of Police, Katpadi Police Station, Vellore District.

2.Crl.O.P.No.28007 of 2017 and 50 of 2019 have been filed seeking to quash the proceedings in D.V.C.No.25 of 2017 pending on the file of the learned Judicial Magistrate-III, Vellore.

3.Crl.O.P.No.6040 of 2018 has been filed seeking for a direction to the learned Judicial Magistrate No.III, Vellore, Vellore District to dispose of the C.M.P.No.1724 of 2017 in D.V.C. No.25 of 2017.

4.The case is still in the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5.An affidavit has been filed by the respondent in Crl.O.P.No.50 of 2019 / second respondent in Crl.O.P.No.67 of 2019 before this Court. The parties were also present before

the Court and they have also produced the copies of the Aadhaar Card which are made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.Under such circumstances, no useful purpose will be served in keeping the First Information Report and Domestic Violence Case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641- (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.334 of 2017 and quashes the proceedings in D.V.C.No.25 of 2017, pending on the file of the learned Judicial Magistrate No.III, Vellore District.

7.Crl.O.P.Nos.22853 of 2017 and 67 of 2019 and Crl.O.P.Nos.28007 of 2017 and 50 of 2019 are allowed as a sequel, the F.I.R in Crime No.334 of 2017 on the file of the Inspector of Police, Katpadi Police Station, Vellore District and the proceedings in D.V.C.No.25 of 2017 pending on the file of the learned Judicial Magistrate-III, Vellore are quashed based on the affidavit filed by the respondent in Crl.O.P.No.50 of 2019/ second respondent in Crl.O.P.No.67 of 2019.

8.Accordingly, Crl.O.P.No.6040 of 2018 is closed in view of the quashment of the proceedings in D.V.C.No.25 of 2017, pending on the file of the learned Judicial Magistrate No.III, Vellore, by this Court today. Consequently, the connected Crl.M.P.Nos.12789 of 2018 and Crl.M.P.Nos.13317 and 15935 of 2017 are closed.

Sd/-
Deputy Registrar

//True copy// सत्यमेव जयते

Sub Assistant Registrar

vsg1/ia

To

1.The learned Judicial Magistrate No.III,
Vellore.

2.The Inspector of Police,
Katpadi Police Station,
Vellore District.

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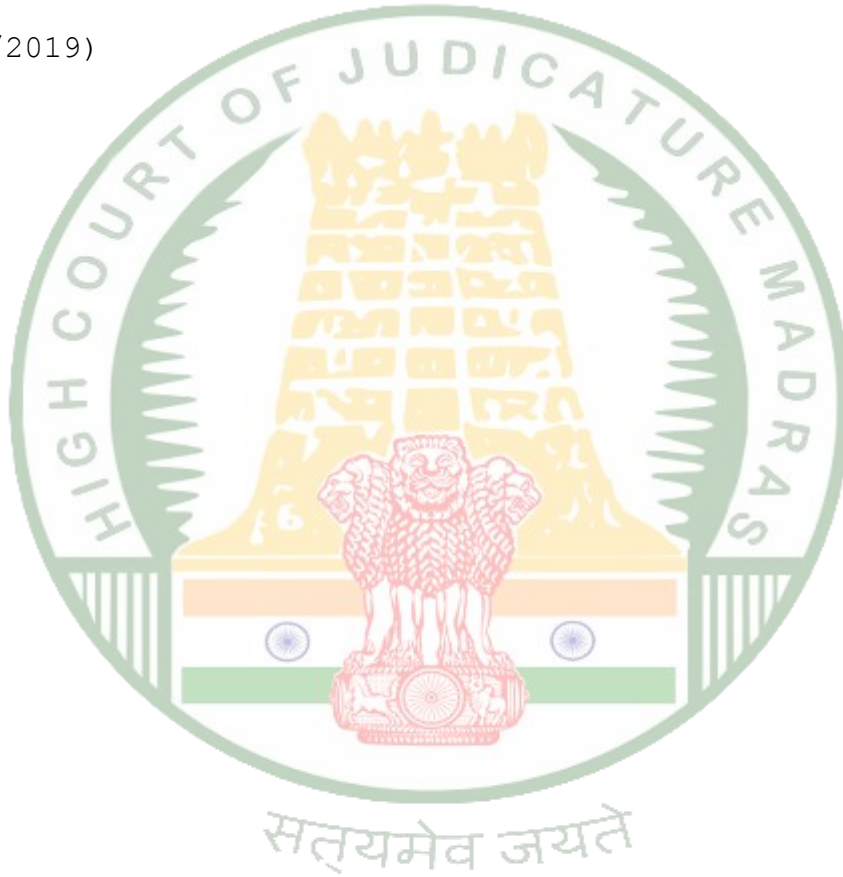
3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.K.Shankar, Advocate SR.No.1369

+3cc to Mr.S.Raja Ravivarma, Advocate SR.No.2231

Crl.O.P.Nos.22853 and 28007 of 2017,
50 and 67 of 2019 and 6040 of 2018

GMV(10/01/2019)



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