



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.15234 of 2017

Crl.M.P.Nos.10134 & 10135 of 2017

1.K.Ramkumar

2.G.Kannaiah

3.K.Dhanalakshmi

4.Reginadevi

5.M.Malayandi

.. Petitioners/Accused 1 to 5

-vs-

N.Nagalakshmi

.. Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the case in DVOP No.8 of 2017 on the file of the learned Judicial Magistrate, Kodaikanal and quash the same.

For Petitioners	: Mr.B.Jameelarasu
For Respondent	:No appearance

O R D E R

When this Court issued notice to the respondent, the following order was passed on 09.11.2017:

"Learned counsel for the petitioners states that this criminal original petition is filed for quashing the petition filed by the wife under section 12 of Protection of Women from Domestic Violence Act, 2005, in D.V.O.P.No.8 of 2017 on the file of the learned Judicial Magistrate, Kodaikanal. It is further stated that earlier the husband, namely, the first petitioner in the petition has filed a petition for restitution of conjugal rights and that the said petition was dismissed as withdrawn pursuant to the compromise that was entered into between the first petitioner and the respondent, namely, the husband and wife in this petition.



2.It is the case of the petitioners that after withdrawal of the petition for restitution of conjugal rights, on the basis of the compromise that was entered into between the parties, the wife has given the complaint under section 12 of Protection of Women from Domestic Violence Act, 2005. In these circumstances, the learned counsel for the petitioners states that the matter is likely to be settled. Hence, admit.

3.Issue notice to the respondent returnable by three weeks. Private notice is also permitted."

2. The respondent has been served with notice and her name has also been printed in the cause list. However, there is no representation for the respondent.

3. The learned counsel for the petitioner brought to the notice of this Court that the petitioner and the respondent have entered into a deed of compromise on 16.11.2017 and have resolved the dispute amicably among themselves.

4. The learned counsel for the petitioner submitted that in view of this compromise, the respondent has neither appeared before the Court below nor has she appeared before this Court and therefore, the proceedings will have to be quashed.

5. Taking into consideration the facts and circumstances of the case and the compromise between the parties, the proceedings in DVOP No.8/2017 is hereby quashed. Accordingly, this criminal original petition is allowed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar(CS)

RR
To
The Judicial Magistrate, Kodaikanal.

+1 CC to Mr.B.JAMEEL ARASU, Advocate SR-88606.

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