

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2020

CORAM :

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.4268 of 2017

and

Crl.M.P.Nos.3206 & 3207 of 2017

1.Siva Prakasam

2.S.Selvakumari

3.Rajasekar

.. Petitioners/Respondent2-4

/versus/

V.Jeyanandhini

.. Respondent/Petitioner

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in D.V.C.No.6 of 2016 on the file of the Judicial Magistrate, Ambattur and quash the same.

For Petitioners : Mr.G.Mohana Krishnan

For Respondents : Mr.L.Margaret

O R D E R

The petitioners, who were arrayed as respondents 2 to 4 in D.V.C.No.6 of 2016, filed this quash petition.

2. The gist of the case is that :

The marriage between the first and second petitioners' son one Sankar and the respondent was held on 18.01.2013, thereafter, they were residing at Bangalore and out of their wedlock, they begotten one child. As there arose some misunderstanding between the respondent and the said Sankar, they were living separately from the month of June, 2014. Thereafter, the said Sankar had filed H.M.O.P.No.84 of 2015 before the Sub Court, Devakottai for Restitution of Conjugal Rights. The respondent had filed a divorce petition in H.M.O.P.No.63 of 2016 before the Sub Court, Poonamallee. In the meanwhile, to wreck vengeance the above case came to be filed.

3.The learned counsel for the petitioners submits that the said Sankar and the respondent has filed 13(b) divorce petition by mutual consent before the Sub Court, Poonamallee and

after entering into compromise, issues between them got resolved. He further submits that the respondent filed D.V.C.No.6 of 2016 before the Judicial Magistrate, Ambattur, which was dismissed for non prosecution on 09.05.2018. Against the same, respondent has filed an appeal in C.A.No.10 of 2020 before the Principal District Judge, Tiruvallur. In the 13(b) divorce proceedings, one of the understanding and undertaking of the respondent is that the said C.A.No.10 of 2020, would be withdrawn.

4. The learned counsel for the petitioner further submits that it is an admitted case that immediately after the marriage, the respondent and her estranged husband Sankar had set up a matrimonial home at Bangalore and they were living together and out of their wedlock they begotten a child. The dispute between them was arose at Bangalore and that the respondent had deserted the matrimonial home and now, she is living with her parents. Hence, the petitioners, who are the in laws of the defacto complainant, are no way share the common house roof with the respondent and in the prayer sought for in the domestic violence petition, no relief is sought for from the petitioners.

5. The learned counsel for the respondent admits that D.V.C.No.6 of 2016 was dismissed for non prosecution on 09.05.2018, against which the respondent had filed C.A.No.10 of 2020 before the District Judge, Tiruvallur. In the meanwhile, at the intervention of the elders and others, the dispute between the respondent as well as her estranged husband Sankar was resolved and the same was decided by mutual consent and necessary application under Section 13(b) of Hindu Marriage Act has been filed, wherein, the conditions and obligations of each other have been clearly stated and the respondent had given an undertaking to withdraw C.A.No.10 of 2020. In view of the compromise of mutual understanding arose between them, the respondent has no objection for quashing the complaint.

6. In the light of the above submissions, D.V.C.No.6 of 2016 was already dismissed for default and C.A.No.10 of 2020 is to be withdrawn and as per the settlement and understanding, no specific order is required in this petition and the same is disposed of accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Ambattur.

2.The Chief Judicial Magistrate,
Ambattur.

3.The Sub Court, Poonamallee.

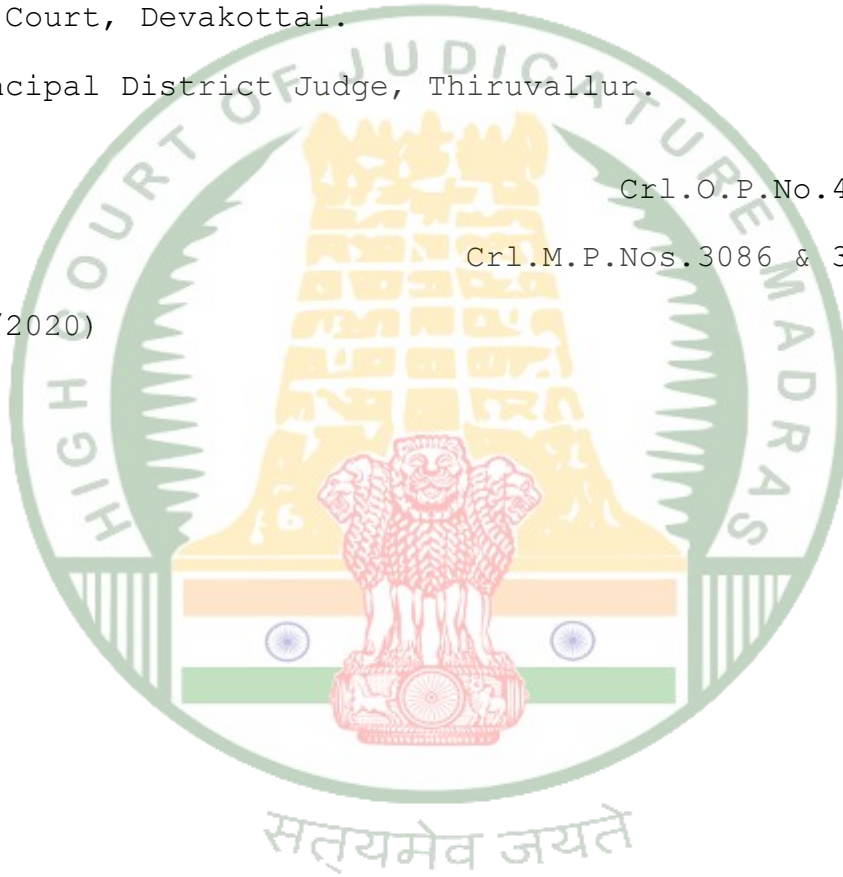
4.The Sub Court, Devakottai.

5.The Principal District Judge, Thiruvallur.

CrI.O.P.No.4268 of 2017
and

CrI.M.P.Nos.3086 & 3087 of 2017

PP (CO)
RMP (08/10/2020)



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