

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.29927 of 2019

1.Thayalraj
2.Chinnasamy
3.Udhayarani
4.Madhun Rajkumar ...Petitioners/ Respondents
vs.
Sudha ...Respondent/ Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to D.V.C.No.1 of 2019 on the file of Principal Subordinate Court, Tirupur and quash the same.

For Petitioners: Mr.S.Thangavel
For Respondent : Mr.D.Gopal

ORDER

This Criminal Original Petition has been filed by the petitioners to call for the records pertaining to D.V.C.No.1 of 2019 on the file of Principal Subordinate Court, Tirupur and quash the same.

2. The respondent has filed a petition under the Domestic Violence Act in DVC.No.4 of 2018 on the file of the Judicial Magistrate Court, No.III, Erode. She further filed a petition in MC.No.65 of 2018 on the file of the Family Court, Erode to direct the first petitioner to pay a sum of Rs.1,00,000/- per month as maintenance to her.

3. The learned counsel for the petitioners has submitted that the first petitioner has filed Crl.O.P.No.26789 of 2018 before this court seeking to transfer the DVC.No.4 of 2018 to the Judicial Magistrate, Coimbatore. This court by its order dated 11.12.2018 allowed the same and transferred the said case to the Principal Sub- Court, Tirupur and the same was re-numbered as DVC.No.1 of 2019 on the file of the Principal Sub-Court, Tirupur. He further submitted that since the HMOP.No.1710 of 2018 filed by the first petitioner before the Additional Family Court, Coimbatore and DVC.No.4 of 2018 filed by the respondent before the Judicial Magistrate Court No.III, Erode, had already been transferred to the file of the Principal Sub-Court, Tirupur, the first petitioner filed a petition in Crl.O.P.No.14070 of 2019 before this court seeking transfer of MC.No.65 of 2018 on the file of the Family Court, Erode also to the file of the Principal Sub-Court, Tirupur.

4. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Accordingly, they settled their dispute through the Mediation Centre by a memorandum of compromise dated 30.09.2019.

5. A Compromise memo dated 19.02.2020 has been filed before this Court which have been signed by the petitioners and the respondent and also by the counsel for the petitioners and the counsel for the respondent. The petitioners and the respondent are present in person before this Court. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card and they are made part of the record. This Court also enquired both the parties and 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 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Case in DVC.No.1 of 2019 on the file of the learned Principal Subordinate Court, Tiruppur against the petitioners herein.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in DVC.No.1 of 2019 on the file of the learned Principal Subordinate Court, Tiruppur, is hereby quashed as against the petitioners herein and the terms of Compromise Memo shall form part and parcel of this order.

*Herein enclosed the xerox copy of Memo of compromise

सत्यमेव जयते Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gv
To,
The Sub Judge,
Principal Subordinate Court, Tirupur.

+3ccs to Mr.D.Gopal , Advocate SR.No. 14485

Cr1.O.P No.29927 of 2019

A.SK(24/02/2020)