



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Cr1.O.P. [MD]No.16326 of 2018

and

Cr1.M.P (MD) Nos.7242 and 7243 of 2018

WEB COPY

1.Mohamed Feroz khan
2.Mohamed Ali
3.Masvutha Begam
(wrongly mentioned Subaitha @ Manutha in
the D.V.A.No.1 of 2018)

4.Anees Fathima

... Petitioners
Vs.

Kursith Banu

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the proceeding in Domestic Violence Act No.1 of 2018 pending on the file of the learned Munsif cum Magistrate, Papanasam and quash the same as illegal.

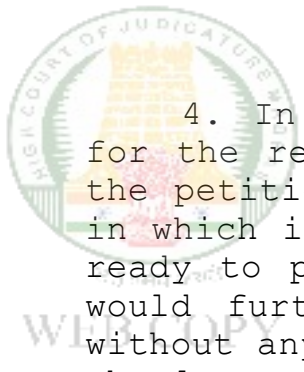
For Petitioners : No appearance
For Respondent : Mr.R.Narayanan

O R D E R

This criminal original petition has been filed seeking the relief to call for the records of the proceeding in D.V.C No.1 of 2018 pending on the file of the learned Munsif cum Magistrate, Papanasam and quash the same as illegal.

2.Though this petition is listed before this Court repeatedly, neither the petitioners nor their learned counsel, appeared for continuing the proceedings. Despite the fact that this petition is listed today under the caption 'for orders', there was no representation for the petitioners. Therefore, the attitude committed by the petitioners shows that they are not interested in order to proceed with this petition.

3.Now on going through the grounds raised by the petitioners in this petition, it seems that the petitioners are not in domestic relationship with the respondent. Further, the petitioners have levelled so many grounds in support of their claim. In order to substantiate the same, they have not appeared before this Court.



4. In the said circumstances, the learned counsel appearing for the respondent would submit that before the trial Court both the petitioners and the respondent are entered into a compromise, in which it is agreed by the husband of the respondent that he is ready to pay a sum of Rs.2,50,000/- as one time settlement. He would further submit that the said proceeding is kept pending without any further enquiry. Therefore, it is necessary to direct the learned Munsif cum Magistrate, Papanasam, to proceed with the trial.

5. Now on considering the submission made by the learned counsel appearing for the respondent, the dispute having by the respondent with her husband and in-laws, was already compromised and the same has been reported before the Court, in which the application filed by the petitioner in D.V.C No.1 of 2018 is pending. In the said circumstances, passing further order in this application may create more confusion for settling the dispute having by the petitioners with the respondent. Therefore, it would be appropriate to direct the learned Munsif cum Magistrate, Papanasam, to proceed with D.V.C No.1 of 2018.

6. In view of the above observation, this Criminal Original Petition is disposed of with a direction to the learned Munsif cum Magistrate, Papanasam, to conclude the trial in D.V.C No.1 of 2018 within a period of four months from the date of receipt of a copy of this order on merits and in accordance with law. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Cr1 Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
The District Munsif cum Judicial Magistrate,
Papanasam.

Cr1.O.P. [MD]No.16326 of 2018
23.09.2020

pm(CO)
TR(05.10.2020) 2P 2C