



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.10783 of 2017

and

Crl.MP(MD)No.7383 of 2017

Mohammed Anwar

... Petitioners/Respondent No.2

vs.

Kathijath Wafika

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the proceedings in D.V.O.P.No.16/2017 on the file of the Judicial Magistrate Court, Nilakottai, Dindigul District, and quash the same as against this petitioner.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent : Mr.D.Shanmugaraja Sethupathy

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.O.P.No.16/2017 on the file of the Judicial Magistrate Court, Nilakottai, Dindigul District.

2. Originally, the matter was referred to the mediation for settlement and a report was received from the Mediation Centre stating that the matter was not compromised and hence, it was listed for argument. At that time, the learned counsel for the petitioner as well as the learned counsel for the respondent have submitted that the matter was compromised between the the parties out of the Court and also filed a joint compromise memo together, wherein, the petitioner herein, who is the second respondent before the Trial Court as well as the complainant signed in the compromise memo. Perusal of records shows that the husband namely, Mohammed Munawar, who is the first respondent before the Trial Court, was not added as a party in the compromise memo.

3. Moreover, the Hon'ble Principal Seat at Madras had dismissed a batch of Criminal Original Petitions reported in **Dr.P.Pathmanathan and Others Vs. V. Monica and Another (2021) 1 MLJ 311** seeking quashment of the complaint holding that the proceedings under Section 12 of Protection of Women from Domestic Violence Rules, 2006 is civil in nature and no proceedings under Section 482 can be invoked. So, it may not be proper on the part of this Court to quash the complaint on the basis of the compromise reached between the the



petitioner and the complainant. So, the matter was again heard under the caption 'for clarification' from the parties.

4. The learned counsel for the petitioner would submit that the compromise memo may be transferred to the Trial Court for recording the compromise and on that date, the first respondent in the complaint, who is the husband will also appear.

5. A request was made on the side of the wife that she may appear before the Trial Court through video conference. So, permission is granted to the complainant to appear before the Trial Court through video conferencing and the other parties may appear in person.

6. The Registry is directed to send the entire records with compromise memo to the Trial Court since it has been now settled.

7. The proceedings under Section 12 of Protection of Women from Domestic Violence Rules, 2006, is civil in nature. The Trial Court, may proceed to record the compromise and dispose of the matter in the terms of compromise within 15 days from the date of receipt of copy of this order. Further, the Trial Court is directed to send notice to the parties to appear before the Trial Court on that date, subject to liberty is granted to the complainant to appear through video conferencing.

8. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

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 Judicial Magistrate Court,
Nilakottai, Dindigul District.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-9364[F] dated
08/03/2021)

CrI.O.P. (MD) No.10783 of 2017
and
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PSP(12.05.2021) 3P 3C