

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2013

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

CrI.O.P.No.11373 of 2013

and

M.P.No.1 of 2013

1. G.Rajkumar
2. R.Govindarajan
3. G.Kanagavalli

...Petitioners

Versus

1. The Inspector of Police,
W22, All Women Police Station,
Mylapore, Chennai 600 004.
2. The Inspector of Police
All Women Police Station,
Thanjavur 631 001.
3. Mrs.Janani

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to FIR No.3/2012 registered by the 1st respondent, Inspector of Police, W22, All Women Police Station, Mylapore, Chennai-4, pending on the file of the Honourable XVIIIth Metropolitan Magistrate, Saidapet, along with FIR No.3/2013 registered by the 2nd respondent. The Inspector of Police, All Women Police Station, Thanjavur and quash the same.

For Petitioners : Mr.R.Jayaseelan

For Respondents : Mr.R.Prathap Kumar
Government Advocate (Criminal Side)
(R1 and R2)

Mr.AR.M.Arunachalam (R3)

O R D E R

This petition has been filed to call for the records relating to FIR No.3/2012 registered by the 1st respondent, Inspector of Police, W22, All Women Police station, Mylapore, Chennai, pending on the file of the XVIIIth Metropolitan Magistrate, Saidapet, along with F.I.R No.3/2013 registered by the second respondent, the Inspector of Police, All Women Police Station, Thanjavur and quash the same.

2. This criminal original petition was referred for mediation to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by the order of this Court, dated 29.4.2013.

3. A communication, dated 12.12.2013, of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its Mediation Report, dated 9.12.2013, has been received, and in the said Mediation Report, it is stated as follows:-

"Parties appeared before the Centre along with their Counsel. Parties arrived at an amicable settlement as per the terms in the Mediation Agreement enclosed herewith. Hence the matter is sent back to the Hon'ble Court."

4. As the parties have arrived at a settlement in terms of the Mediation Agreement, dated 9.12.2013, this petition is listed for passing orders in terms of the said Mediation Agreement.

5. The Mediation Agreement, dated 9.12.2013, signed by the parties and the counsels appearing on either side, reads as follows:-

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:

1. Both the Petitioners and 3rd Respondent agreed to settle the dispute amicably between them.

2. 1st Petitioner/G.Rajkumar/Husband has agreed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) in lieu of permanent alimony to the 3rd Respondent/Janani/Wife. The 3rd Respondent/Janani/Wife has agreed to receive the same in full quit.

3. 1st Petitioner/G.Rajkumar/Husband has paid a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to 3rd Respondent/Janani/Wife by the way of cheque on 29.10.2013 and the 3rd Respondent/Janani/Wife has acknowledged the receipt of the same.

4. 1st Petitioner/G.Rajkumar/Husband and 3rd Respondent/Janani/Wife have agreed to file the 13B Petition for Divorce by Mutual consent before the appropriate forum.

5. 1st Petitioner/G.Rajkumar/Husband has agreed to pay the balance amount of Rs.3,00,000/- (Rupees Three Lakhs only) on the date of the decree of divorce. The 3rd Respondent/Janani/Wife has agreed to receive the same on the date of the decree of divorce.

6. 3rd Respondent/Janani/Wife has already withdrawn the following cases/complaint filed by her against the Petitioners:

1. Petition for Conjugal Rights in O.P.No.4068/2011 on the file of IIIrd Additional Family Court, Chennai.

2. Maintenance Case No.211/2011 on the file of IIIrd Additional Family Court, Chennai.

3. Crime No.3/2012 originally filed before W22, All Women Police Station, Mylapore now transferred and pending in Crime No.3/2013 before the All Women Police Station, Thanjavur.

4. Complaint C.No.591/COP/P.G./2012 and No.53/AC-ADC/camp2012 dated 27.2.2012 before the Commissioner of Police, Chennai. During the enquiry, all the jewels and belongings of the 3rd Respondent/Janani/Wife were returned to her.

5. The parties agree that they will not give any complaint against each other before any forum or body."

6. In terms of the settlement arrived at between the parties, which is recorded under the Mediation Agreement, dated 9.12.2013, and in terms of the Mediation Report, dated 9.12.2013, before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, this petition is disposed of, recording the terms of the Mediation Agreement, dated 9.12.2013. The terms of the Mediation Agreement, dated 9.12.2013 and the Mediation Report, dated 9.12.2013, of the Mediation Centre, shall form part of the order. Consequently, connected miscellaneous petition is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

csn

To

1. The Inspector of Police,
W22, All Women Police Station,
Mylapore, Chennai 600 004.
2. The Inspector of Police
All Women Police Station, Thanjavur 631 001.
3. The Assistant Registrar,
TN Mediation Conciliation Centre,
High Court, Madras.

+One CC to Mr.AR.M.Arunachalam, Advocate SR 65610

+One CC to Mr.R.Jayaseelan, Advocate SR 65715