

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-08-2015

Coram

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Criminal Original Petition Nos. 12435 and 12814 of 2015

1. P. Amsabai	
2. T.P. Ravikanth	
3. T.P. Kandhasamy	.. Petitioners in Crlop 12435
R. Bhuvaneswari	.. Petitioner in Crlop 12814

Versus

State represented by Inspector of Police W-5, All Women Police Station Thirumangalam Chennai - 600 101	.. Respondent in both the Original Petitions
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Crl.OP No. 12435 of 2015:- Petition filed under Section 438 of Cr.P.C. praying to enlarge the petitioners herein on bail in the event of their arrest in Crime Number not known on the file of respondent police.

Crl.OP No. 12814 of 2015:- Petition filed under Section 438 of Cr.P.C. praying to enlarge the petitioner herein on bail in the event of her arrest in Crime Number not known on the file of respondent police.

For Petitioners : Mr. S. Sivakumar
in both the Criminal Original Petitions

For Respondent : Mr. Mohammed Riyaz
Government Advocate (Crl.side)
in both the Criminal Original Petitions

Mr. P. Elango for Defacto Complainant
in both the Criminal Original Petitions

COMMON ORDER

These Criminal Original Petitions were referred for mediation to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

2. A communication dated 05.08.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 10.07.2015 has been received, wherein it is stated as follows:-

"Both the parties appeared before the Centre along with their Counsel. Parties arrived at an amicable settlement and agreed to live together as per the terms cited in the Memorandum of Compromise enclosed herewith. Hence, the matter is sent back to the Hon'ble Court."

3. As the parties have arrived at a settlement in terms of the agreement entered into between them before the Tamil Nadu Mediation and Conciliation Centre, these Criminal Original Petitions are listed for passing an order in terms of the settlement.

4. As per the Mediation report dated 10.07.2015, the Petitioners as well as the defacto complainant have arrived at a compromise and it was reduced in to writing. The terms and conditions of the agreement has been duly signed by the parties in the presence of witnesses which reads as follows:-

"1. Both the parties agree to file Divorce Petition before the concerned Family Court on the ground of mutual consent on 10.07.2015 itself.

2. The party of the 2nd part by signing the Memorandum of Understanding is acknowledging the receipt of her belongings namely jewels, silver articles

3. The party of the 2nd part agrees to receive a sum of Rs.10 lakhs (Rupees Ten Lakhs Only) as a permanent alimony from the party of the first part

4. The party of the second part also agrees to co-operate with the party of the first part in filing the Divorce Petition on 10.07.2015 itself and also agrees to produce the required document of her residence proof and identity proof.

5. It is mutually agreed between the parties herein that out of the permanent alimony of Rs.10 lakhs, a sum of Rs.4 lakhs (Rupees Four Lakhs Only) by way of draft drawn in favour of the second part will be handed over at the time of filing of Divorce Petition i.e., on 10.07.2015 in the filing section and the balance sum of Rs.6 lakhs (Rupees Six Lakhs Only) will be paid by the party of the first

party to the party of the second part on the day of granting divorce by the concerned Family Court.

6. The party of the second part also declares and states that she will not claim any maintenance or any other claim, monetary benefits towards her livelihood in future from the party of the first part

7. The party of the second part undertakes and agrees to withdraw the Police complaint dated 28.04.2015 and another complaint lodged before the Commissioner of Police dated 05.09.2014, which had been registered in Crime No. 14 of 2015 on the file of W-18, All Women Police Station, Thirumangalam, Chennai today itself.

8. Both the parties herein agree and undertake to adhere and follow the above terms and conditions without any default

9. Both the parties herein declare and state that they will not in any way disturb and interfere with their respective remaining days of life

10. Both the parties at their liberty to lead their own independent life."

5. As the parties have arrived at a compromise, in appreciation of mediation process, they have voluntarily agreed to pay some amount to the Tamil Nadu Mediation and Conciliation Centre attached to this Court. The defacto complainant agreed to deposit Rs.25,000/- and the petitioners in both the petitions have agreed to deposit Rs.10,000/-, to the credit of Tamil Nadu Mediation and Conciliation Centre, attached to this Court within a period of three weeks from the date of receipt of a copy of this judgment. The said statement is recorded.

6. Having regard to the fact that the petitioners as well as the defacto complainant have entered into a memorandum of compromise, in terms of the settlement arrived at between the parties which is recorded under the Mediation Agreement by the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras in its Report dated 10.07.2015, these Criminal Original Petitions are disposed of recording the said compromise. The Mediation Agreement and the report of the Mediation Centre shall form part of this order.

06-08-2015

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B. RAJENDRAN, J

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