

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-04-2015

Coram

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Criminal Original Petition No. 5439 of 2015

1. Nagal Iqbal Ahamed
2. Zeenat Iqbal Ahamed
3. Aafar Iqbal Ahamed
4. Affan Iqbal

.. Petitioners

Versus

The Inspector of Police
All Women Police Station (Central)
Coimbatore
(in Crime No.10 of 2014

.. Respondent

Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure to enlarge the petitioners on Anticipatory Bail, in the event of their arrest, in Crime No. 10 of 2014, pending investigation before the respondent police.

For Petitioners	:	Mr. A. Raja Mohamed
For Respondents	:	Mr. D. Sivaram Kumar
		Mr. V. Balamurugane for Intervenor/Defacto complainant

ORDER

This Criminal Original Petition was referred for mediation to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

2. A communication dated 17.04.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 17.04.2015 has been received, wherein it is stated as follows:-

"Both the parties and Advocates are present. As per this Hon'ble Court's direction, Mediation is conducted among parties on 22.03.2015, 25.03.2015, 30.03.2015, 06.04.2015, 13.04.2015 and finally on 17.04.2015 from 3 pm to 7 pm on all the days. Both parties and Advocates arrived at an amicable settlement among themselves which has been settled as per the MOU and also the

annexed Khulas deed given (by bride). It is also appears that there is some amendment which has been carried and the same is reported today. Hence the matter is settled as per the terms cited in the MOU and sent back to the Honourable Court."

3. As the parties have arrived at a settlement in terms of the agreement entered into between them, this Criminal Original Petition is listed for passing an order in terms of the settlement.

4. The Memorandum of Understanding dated 17.04.2015, signed by the parties in the presence of witnesses reads as follows:-

"Now this deed of marriage dissolution witnesseth as follows:-

Whereas, the marriage between the 1st and 2nd parties herein was solemnized on 04.09.2011 as per the Muslim Customs and Rites in the presence of the close relatives and friends of the either parties herein at Fathima Gani Marriage Hall, Podanur, Coimbatore. Also marriage was registered on 28.07.2011, one month prior to the date of Muslim Sharia marriage register before the Ganapathy Sub-Registrar Office on 28.07.2011.

And Whereas immediately after the marriage, the matrimonial life was started in Bangalore and later Nigeria, the house of the parents of the 2nd Party herein.

And Whereas, difference of opinion had cropped up between Husband and wife, in particular and family members of the 2nd Part. Due to the incompatibility, the party of the 1st part had returned alone to her parents house at Coimbatore in India, and so it has become rather difficult to continue the married life any further without any hitch.

And Whereas for the above said reasons, it has been mutually agreed by either parties herein to dissolve the marriage held between them, on the ground of Kula Nama which had since been accepted by the 2nd party herein, from today itself.

And whereas both parties have entered into a Memorandum of Understanding dated 17th April 2015, and hence, there is no claims, whatsoever, between either parties herein. Either parties herein hereby undertake that they will not make out any claim, whatsoever, in future

And Whereas, in regard to this marriage dissolution, there is absolutely no collusion or Instigation of anybody, whatsoever and either parties herein have arrived at this decision on their own free will.

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5. It is brought to the notice of this Court by the learned counsel for the petitioners that the defacto complainant has agreed to withdraw the complaint given

by her to the respondent police, while so, the look out notice issued to the petitioners need not be perused by the respondent police.

6. Having regard to the fact that the defacto complainant has agreed to withdraw the complaint itself given to the respondent police and the parties have arrived at a settlement of the dispute before the Tamil Nadu Mediation and Conciliation Centre attached to this Court, the look out notice, if any, issued to the petitioners need not be pursued by the respondent police.

7. In terms of 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 17.04.2015, this Criminal Original Petition is disposed of recording the said agreement. The Mediation Agreement and the report of the Mediation Centre shall form part of this order. No costs.

21-04-2015

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Note to Office : Issue order copy on 21.04.2015

B. RAJENDRAN, J

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