

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2015

CORAM :

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Cr1.O.P.No.22824 of 2013

M.Madhaiyan

... Petitioner

vs.

1. State by

The Deputy Superintendent of Police,
Bhavani Circle, Bhavani,
Erode District.

2.The Inspector of Police,
Ammapettai Police Station,
Ammapettai,
Erode District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. for a direction to the respondents to register FIR against the named accused persons on the basis of the complaint lodged by the petitioner on 8.7.2013.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.R.Prathap Kumar,
Govt. Advocate (Cr1. Side)

O R D E R

The prayer in the Criminal Original Petition is for a direction to the respondents to register FIR against the named accused persons on the basis of the complaint lodged by the petitioner on 08.07.2013.

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

3. A communication dated 25.03.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 21.01.2015 has been received, wherein it is stated as follows:-

"Both the parties appeared before the Centre along with their Counsel. Matter has been settled between them as per the terms cited in the Memorandum of Compromise enclosed. Hence, the matter is sent back to the Hon'ble Court. "

4. As the parties have arrived at a settlement in terms of the Memorandum of Understanding, this petition is listed for passing of an order in terms of the Memo.

5. The Memo of Compromise, signed by the parties and their respective counsel reads as follows:-

Jayaramakrishnan	.. 1st party
S/o.M.Madhaiyan[petitioner herein]	
vs.	
Premalatha	.. 2nd party

The 2nd party herein married the 1st party Jayaramakrishnan on 23.11.2012, after that the 2nd party and her husband went to U.K., where, both of them were residing together. Thereafter, there was dispute arose between them, the 2nd party returned back to India and lodged a complaints against her husband, father-in-law, mother-in-law, sister-in-law and sister-in-law's husband and her husband's maternal uncle and aunt before the Inspector of Police, All Women Police Station, Bhavani and FIR has been registered against them in Crime No.4 of 2013 and also the 2nd party filed another criminal case against them before the learned Judicial Magistrate, Bhavani in C.C.No.233/2013 under the provisions of Protection of Women from Domestic Violence Act, 2005, against which, the 1st party relatives herein approached the Hon'ble High Court and field quash petition in CrI.O.P.No.29038 of 2013 and CrI.O.P.No.23487 of 2013 and the same is pending before the Hon'ble High Court and the above matter referred to mediation Centre, when the mediation talks going on both the parties arrived at settlement to purchase the peace, both parties decided to settle the matter by following the terms.:

"1. The 2nd party herein undertakes to withdraw her complaint made in Crime No.4 of 2013 on the file of Inspector of Police, All Women Police Station, Bhavani, for that Crime No. the said police filed charge sheet in C.C.No.233 of 2013 on the file of Judicial Magistrate, Bhavani and also withdrawing the complaint under the provisions of the Domestic Violence Act in C.M.P.No.5834 of 2013 on the file of Judicial Magistrate, Bhavani.

2. The 2nd party herein undertakes that she is receiving all the Sridhanas like jewels and money, which were given by her to her husband at the time of marriage and the 1st party also accepted the same.

3. The 2nd party herein undertakes to receive the jewels on the date of filing of consent divorce before the Family Court, Madras, since both the 1st and 2nd parties and the 2nd party's husband agreed to file consent divorce petition before the Family Court, Madras.

4. The money to the tune of Rs.4 lakhs, which was given by the 2nd party's father to the 1st party at the time of marriage, which will be handed over to the 2nd party by the 1st party on the date of divorce petition order to be passed by the Family court.

5. The 2nd party agreed to receive a sum of Rs.10 lakhs as full and final settlement for her entire life and thereafter, the 2nd party not claim any maintenance or share in properties of the husband and his family members, the said R.10/- lakhs will be received by the 2nd party from the 1st party on the date of disposal of the divorce petition.

6. The 2nd party hereby undertakes that she will not claim any share or any further money or claiming the properties of the 1st party.

7. The 2nd party herein undertakes to file Affidavit in CrI.O.P.No.29036 and 23487 of 2013 by giving no objection to quash the above said petition.

8. The 1st and 2nd parties hereby undertake and accept the above terms and put their respective signatures.

6. In terms of the settlement arrived at between the parties which is recorded under the Memo of Compromise in terms of the report dated 25.03.2015 from the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, this Criminal Original Petition is disposed of recording the terms of the Memo of Compromise. The terms of the Memo of Compromise and the report of the Mediation Centre shall form part of the order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To :

1. The Deputy Superintendent of Police,
Bhavani Circle, Bhavani,
Erode District.
2. The Inspector of Police,
Ammappettai Police Station,
Ammappettai,
Erode District.
3. The Assistant Registrar,
Tamil Nadu Mediation and Conciliation Centre,
High Court, Madras-600 104.
4. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.22824 of 2013

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pmk.30.4.2015



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