

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.11293 of 2016

1.M.Saravanan

2.Banumathy

... Petitioner/Accused

Vs

1.State, rep by

Inspector of Police,

All Women Police Station,

Tambaram.

... 1st Respondent/Complainant.

2.Rajeswari Saravanan

... 2nd Respondent/Defacto
Complainant.

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and to quash the entire criminal proceedings in C.C.No.638 of 2008 against the 1st and the 2nd petitioners on the file of the learned Judicial Magistrate, Tambaram.

For Petitioner : Mr.A.E.Chelliah, Senior Counsel
for Mr.C.Saifullah

For Respondent [R1]: Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, to quash the proceedings in C.C.No.638 of 2008 on the file of the learned Judicial Magistrate, Tambaram, against the first and second petitioners.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. Today, Ms.D.Monica, Inspector of Police, W-35, All Women Police Station, Tambaram is present.

4. On a complaint lodged by Rajeswari, the first respondent Police registered a case in Crime No.16 of 2008 and

after completing the investigation, filed a final report in C.C.No.638 of 2008 before the learned Judicial Magistrate, Tambaram, for the offences under Sections 497, 498(A) and 506 (ii) I.P.C., against Saravanan (A1) and Banumathy (A2).

5. It is also seen that there are several cases pending between Rajeswari and Saravanan including matrimonial cases before various Courts. Meanwhile, Rajeswari filed WP.No.29079 of 2013, for a direction to the employer of Saravanan not to disburse his retirement benefits.

6. A learned Single Judge of this Court referred WP.No.29079 of 2013 to the Tamil Nadu Mediation Centre, where the parties appear and have arrived at a compromise, the relevant portion of the same is as follows :

" The petitioner has agreed to file supporting affidavit and requisite documents before this Hon'ble Court in any petition that shall be filed by the 5th respondent to compound/quash the C.C.No.638/2008 pending on the file of the Judicial Magistrate Court, Tambaram on or before 18.04.2016.

7. Today, Rajeswari, the defacto complainant is present and she is represented by Mr.G.Jermiah, the learned counsel. She has filed an affidavit, wherein it is stated as follows :

"3. I most respectfully submit that it is true that an amicable settlement has been entered between us before the Mediation Centre of this Hon'ble Court on 21.3.2016. I further submit that according to the agreement, the 1st petitioner, who is my husband has agreed to make a total amount of Rs.17 lakhs towards my permanent alimony and my daughter's marriage expense and it has been further agreed between us to withdraw the respective litigations initiated by us against each other before this Hon'ble Court, Magistrate Court and Family Court. I further submit that the 1st petitioner in this regard has paid an initial amount of Rs.5,00,000/- and he has to pay the remaining sum of Rs.12,00,000/- to me.

I submit that I have no objection to allow the above application filed by the petitioners herein subject to making the above balance sum of Rs.12,00,000/- according to the above mediation agreement."

8. Mr.A.E.Chelliah, learned counsel appearing for Saravanan has submitted that the first petitioner Saravanan is ready and willing to pay the balance amount of Rs.12,00,000/- to Rajeswari at the time of closure of divorce petition before the Family Court.

9. In view of the above, this Criminal Original Petition is allowed and prosecution against both Saravanan and Rajeswari in C.C.No.63 on the file of the Judicial Magistrate, Tambaram is hereby quashed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To:

1. The Judicial Magistrate,
Tambaram
 2. Do thro the Chief Judicial Magistrate,
Chengleput.
 3. The Inspector of Police,
All Women Police Station,
Tambaram.
 - 4.The Public Prosecutor
High Court, Madras.
- + 2 ccs to Mr.C.Saifullah, Advocate SR 33213
- +1 cc to Mr.G.Jermiah, Advocate SR 33805

ev(co)
prk27/6

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