

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2016

CORAM

THE HONOURABLE MR. **JUSTICE B.RAJENDRAN**

Crl.O.P.No.18609 of 2015
and
M.P.No.1 of 2015

1. Edward @ King Edward
2. Vimala

... Petitioners

vs

1. Jothibai Gladis
2. Kerole Sujitha

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and proceedings in M.C.No.125 of 2014 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai-15 and to quash the same.

For Petitioners : Mr.Abdul Samadu

For Respondents : Mr.R.Prabhudoss

ORDER

The prayer in the Criminal Original Petition is to call for the records and proceedings in M.C.No.125 of 2014 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai-15 and to quash the same.

2. This petition was referred for mediation to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by the order of this Court, dated 11.12.2015.

3. A communication, dated 19.01.2016 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its Mediation Report, dated 18.12.2015 has been received, and in the said Mediation Report, 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 Memo 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 Joint Memo dated 18.12.2015, this petition is listed for passing orders in terms of the said Memo of Compromise.

5. The Memo of Compromise dated 18.12.2015 signed by the parties and their respective counsel, reads as follows:-

MEMO JOINTLY FILED BY BOTH THE PARTIES

It is humbly submitted that,

1. The above cases initiated due to matrimonial issues. The above Jothobai Galies @ Jothi Bai earlier had filed Maintenance Case No.395 of 2011 for herself before the Hon'ble 3rd Addl.Family Court at Chennai, then Jothi Bai Gladies @ Jothi Bai along with her daughter Carol Sujitha had jointly filed the MC No.125 of 2014 on the file of IX Metropolitan Magistrate at Saidapet, Chennai-15 against the petitioners/respondents herein as per Domestic Violence Act, both cases are defended by petitioners/respondents respectively, then this petitioners/respondents have preferred the above Crl.O.P.No.9587 of 2015.

2. The fact being so, both parties are found that hereafter not possible to live peacefully, so all are agreed to settle the matter amicably including her daughter by agreeing through receiving Rs.6,00,000/- [Rupees six lakhs only] by way of DD No.698116 dated 17.12.2015 drawn on State Bank of India, Bank at Vellore Bagayam Branch and agreed to do as follows:

a] Jothi Bai Gladies @ Jothi Bai is agreed to withdraw the maintenance case No.395 of 2011 on the file 3rd Additional Family Court at Chennai, which was filed against G.King Edward,

b] Jothi Bai Gladies @ Jothi Bai and her daughter Ms.Carol Sujitha are agreed to withdraw the MC No.125 of 2014 on the file IX Metropolitan Magistrate at Saidapet in Chennai-15, which was filed against G.King Edward and his wife Vimala,

c] Jothi Bai Gladies @ Jothi Bai is agreed to file petition for mutual divorce along with G.King Edward before the Hon'ble Principal Judge at Family Court at Chennai.

3. Further the above Jothi Bai Gladies @ Jothi Bai and her daughter Ms.Carol Sujitha are agreed to hereafter not to claim any maintenance or any right or any claim or any other dues if any or whatsoever before any Civil, Criminal or in any other forum in the eye of law.

Therefore, on the acceptance of above said mutual terms between the both parties, it is prayed that this Hon'ble Court may be pleased to allow the above CrI.O.P.No.9587 of 2015 by recording this Joint memo and thus render Justice.

6. In terms of the settlement arrived at between the parties, which is recorded under the Joint Memo dated 18.12.2015 in terms of the Mediation Report, dated 18.12.2015 before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, this petition is disposed of, recording the terms of the Memo of Compromise dated 18.12.2015. The terms of the Joint Memo of Compromise, dated 18.12.2015 and the Mediation Report, dated 18.12.2015 of the Mediation Centre shall form part of this order.

7. In view of the settlement arrived at between the parties, as a token of appreciation, both sides volunteered to pay a sum of Rs.10,000/- [Rupees ten thousand only] each to the Mediation and Conciliation Centre, High Court, Madras and the same shall be paid within a period of two weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

21.01.2016

vj2

Index: Yes/No
Internet: Yes

B.RAJENDRAN, J.

vj2

To

1. The IX Metropolitan Magistrate, Saidapet, Chennai-15
- 2.The Public Prosecutor, High Court, Madras.

Crl.O.P.No.9587 of 2015

21.01.2016