

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.17216 of 2015
and
M.P.No.2 of 2015

Smt. Nirmala

... Petitioner

- Vs -

1. The Chief Immigration Officer,
Sashtri Bhavan,
No.26, Haddows Road,
Chennai-600 006.
2. The Deputy Commissioner of Police,
Mylapore Range, Mylapore,
Chennai-600 004.
3. The Inspector of Police,
W-22 All Women Police Station,
Mylapore,
Chennai-600 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus forbearing the respondents from issuing the Lookout notice as against the petitioner's son Thiru. Arun Prasad Ganesan and thereby direct the respondents not to restrain the Petitioner's son Thiru. Arun Prasad Ganesan from entering into India for the purpose of attending the Mediation Proceedings in respect of matrimonial dispute which is pending between the petitioner's son and her daughter-in-law Smt. Anitha pursuant to the orders of this Court made in CrI.O.P.No.11815/2015 dated 06.05.2015 and leaving India towards working his working place situated at United Kingdom.

For Petitioner : Mr. R.S.Kirubakaran

For Respondents : Mr.T.L.Thirumalaisamy
CGSC (R1)
No appearance (R2 and R3)

O R D E R

Heard the learned counsel for the petitioner and the learned Central Government Standing counsel appearing for the first respondent.

2. Today, when the matter is taken up for hearing, the learned counsel appearing on either side has submitted that the matter has settled before the Mediation Centre. Mediation agreement dated 23.06.2016 was also placed before this Court. In the said agreement it is stated as follows:

"1. Both the petitioner and the defacto complainant have mutually decided to dissolve their marriage dated 01.11.2009 held at Arthi Mahal, Kovilpatti and decided to file a mutual consent divorce petition before the Hon'ble Family Court, Chennai.

2. In view of above decision taken by both parties, the petitioner herein agrees to pay a sum of Rs.36,00,000/- (Rupees Thirty Six Lakhs only) as full and final settlement to the defacto complainant towards permanent alimony and the defacto complainant has also agreed to the receive for the same.

3. The defacto complainant agrees to file a joint memo of compromise along with the quash petition to be filed before the Hon'ble High Court, Madras by the petitioner herein for quashing the FIR in Crime No.24 of 2014. The defacto complainant further agrees to appear before the Hon'ble High Court and give consent for the same.

4. The defacto complainant also agrees to give consent for quashment as prayed in the quash petition filed by the petitioner's mother namely Nirmala and Shobana in CrI.O.P.No.6638 of 2015 which is pending before this Hon'ble Court.

5. The petitioner and the defacto complainant has decided to file a Mutual Consent Divorce Petition before the Hon'ble Family Court, Chennai for

dissolving their marriage which was solemnized on 01.11.2009 held at Arthi Mahal, Kovilpatti, Thoothukudi Dist., as per Hindu rites and customs which was duly registered at Marriage-Registrar Office, Kovilpatti vide Registration No.209/2009 dated 02.11.2009.

6. The petitioner herein agrees to pay part sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) by way of 3 Demand Drafts bearing (1). 727406 dated 21.06.2016 Mylapore, Chennai Branch, Lakshmi Vilas Bank for Rs.5,00,000/- (Rupees Five Lakhs only) (2) 727407 dated 21.06.2016 Mylapore, Chennai Branch, Lakshmi Vilas Bank for Rs.5,00,000/- (Rupees Five Lakhs only) and (3) 504197 dated 23.06.2016 Adyar Branch, ICICI Bank for Rs.10,00,000/- (Rupees Ten Lakhs only), to the defacto complainant at the time of quash proceedings before the Hon'ble High Court, Madras.

7. The petitioner herein further undertakes and agrees to pay the balance amount of Rs.16,00,000/- (Rupees Sixteen Lakh only) at the time of final evidence of Mutual Consent Divorce filed by them before the Hon'ble Family Court, Chennai after the 6 months statutory period.

8. The petitioner and the defacto complainant have as on today exchanged between them, all their respective articles. Both parties hereby declare that they don't have any claim against each other with respect of articles whatsoever.

9. Both the parties declare that there is no further claim or counter claim against each other apart from the balance amount of Rs.16,00,000/- (Rupees Sixteen Lakhs only) agreed to be paid as per Clause 7 above."

3. The learned counsel for the petitioner has submitted that the case registered against the petitioner, her son and her daughter in Crime No.24 of 2014 was quashed by this Court, by an order dated 24.06.2016, in Crl.O.P.Nos.6638 of 2015 and 13409 of 2016.

4. In such view of the matter, nothing survives for adjudication in this Writ Petition. Consequently, there is no question of issuance of Lookout notice. It is made clear that if any Lookout notice is issued to the first respondent by the third respondent, the same shall not be pursued, as the complaint itself has been quashed.

5. With the above observation, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Immigration Officer,
Sashtri Bhavan,
No.26, Haddows Road,
Chennai-600 006.
2. The Deputy Commissioner of Police,
Mylapore Range, Mylapore,
Chennai-600 004.
3. The Inspector of Police,
W-22 All Women Police Station,
Mylapore,
Chennai-600 004.

+lcc to Mr.T.L.Thirumalaisamy, Advocate, S.R.No.39720
+lcc to Mr.R.S.Kirubakaran, Advocate, S.R.No.39416

W.P.No.17216 of 2015

SCD(CO)
CA(18/07/2016)