

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.Nos.2361 and 3931 of 2015

and

MP.Nos.1, 1 and 2 of 2015

1.R.Geetha
2.R.Sundari

... Petitioners/Accused in
Crl.OP.No.2361 of 2015

Rathidevi

... Petitioner/Accused in
Crl.OP.No.3931 of 2015

Vs

1.The State of Tamil Nadu,
rep. by Inspector of Police,
W8, All women Police Station,
Thirumangalam, Chennai - 600 101.

...Respondent/Complainant in
13th Crl.OP

2.D.Thamizharasi

... 2nd Respondent/Defecto
Complainant in both Crl.OPs

Petitions filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to Crime No.40 of 2014 pending on the file of the first respondent under Sections 406, 417, 494, 498A and 506(ii) IPC and quash the same.

For Petitioners : Mr. M.K. Kabir SC for
Mr.T.Jayaraman

For R1 : Mr.C.Emalias, APP

For R2 : Mr.V.Veeragiridharan

COMMON ORDER

Heard Mr.M.K.Kabir, learned senior counsel for the petitioner, Mr.C.Emalias, learned Additional Public Prosecutor for the first respondent police and Mr.V.Jeeragiridharan, learned counsel for the second respondent/defacto complainant.

2. These petitions have been filed to call for the records pertaining to the FIR in Crime No.40 of 2014 pending on the file of the first respondent police and quash the same.

3. The defacto complainant / second respondent in both the petitions is the wife of one Seetharaman, whose second wife is the petitioner in CrI.OP.No.3931/2015 and whose sisters are the petitioners in CrI.OP.No.2361/2015. Due to matrimonial dispute, she lodged a complaint before the second respondent. Pursuant to the same, a case in Crime No.40/2014 was registered against the petitioners herein and four others, for the offences punishable under Sections 406, 417, 494, 498A and 506(ii) IPC.

4. While so, the second respondent filed a revision case in CrI.RC No.90 of 2015 against the remand order passed by the learned XIII Metropolitan Magistrate, Egmore, Chennai in Cr.No.40 of 2014 on the file of the first respondent. Subsequently, the matter was referred to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras. Based on the report filed by the Tamil Nadu Mediation and Conciliation Centre, this Court has disposed of the said Revision Case, by order dated 25.06.2015, wherein, it has been stated as follows:

"5.Mr.Kabir, learned senior counsel appearing for the second respondent submitted that as per the compromise, the second respondent has to pay a sum of Rs.50,00,000/- in two instalment of Rs.25,00,000/- each by Demand Draft favouring the petitioner in full and final settlement of the petitioner's claim for compensation and maintenance of herself and minor child, out of which, the first instalment of Rs.25,00,000/- was paid on 17.06.2015 vide two demand drafts bearing Nos.093955 and 009054 for Rs.15,00,000/- and Rs.10,00,000/- respectively and for the balance amount of Rs.25,00,000/- five demand drafts have been entrusted with him to be kept in Escrow Account and it will be handed over to the petitioner on completion of the process of withdrawal of cases and dissolution of the marriage.

6.The above statement made by the learned senior counsel appearing for the second respondent is recorded and in terms of the compromise arrived at between the parties which is recorded under the Memorandum of Compromise by the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras in its Report dated 17.06.2015, this Criminal Revision Case is disposed of recording the Memorandum of Compromise. The Memorandum of Compromise and the report of the Mediation Centre shall form part of this order."

5. Today, when the matters were taken up for consideration, as per the terms mentioned in Para 5 of the above order, learned senior counsel for the petitioners/accused handed over the balance amount of Rs.25,00,000/- by way of five demand drafts bearing Nos.575552, 575553, 575556 and 012229 dated 03.12.2016 and 142791 dated 13.04.2016 (revalidated on 03.12.2016) respectively for Rs.5 lakhs each, which have been received by the learned counsel for the second respondent.

6. A Joint memo dated 27.01.2016 signed by both the petitioners in Crl.OP.No.2361 of 2015 and the second respondent along with their respective counsel on record, has also been filed, wherein, it has been stated as follows:

"The petitioners and the defacto complainant submit that in Crl.RC No.90 of 2015, the matrimonial dispute between the defacto complainant and the brother of the petitioner was referred to the Mediation and Conciliation Centre, High Court, Madras and pursuant to the mediation effected, a Memorandum of Compromise dated 17.06.2015 was entered into between the parties, wherein, it was agreed to withdraw the complaint and the matrimonial petitions pending before various courts. The said Memorandum of Compromise was recorded by this Hon'ble Court and by order dated 25.06.2015, this Hon'ble Court disposed of the said Crl.RC No.90 of 2015 recording the said compromise.

As the defacto complainant has agreed that she will withdraw the complaint registered as Cr.No.40 of 2014 on the file of W8, All Women Police Station, Chennai -600 101, the complaint as against the petitioners has to be dropped and hence, this Hon'ble Court may be pleased to allow the above Crl.OP.No.2361 of 2015 recording the Memorandum of Compromise and pass such further orders as this Hon'ble Court may deem fit under the circumstances of the case."

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7. In view of the above, both the Criminal Original Petitions are allowed and the FIR in Crime No.40 of 2014 pending on the file of the first respondent is quashed. The Joint Memo dated 27.01.2016 filed by the parties is taken on record. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
W8, All women Police Station,
Thirumangalam, Chennai - 600 101.

2.The Public Prosecutor, High Court,
Madras - 104.

+2cc to Mr.T. Jayaraman, Advocate, S.R.No.73479

+1cc to Mr.V. Jeevagiridharan, Advocate, S.R.No.73574

scd(CO)

md(07/02/2017)

CrI.O.P.Nos.2361 and 3931 of 2015

सत्यमेव जयते

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