

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.Nos.18898 of 2014 and 29440 of 2015
and
M.P.No.1 of 2014

Crl.OP.No.18898/2014:

1.Babu
2.Rajkumar
3.Sakkubai

... Petitioners

Vs

1.The Inspector of Police,
W-35, All Women Police Station,
Thambaram.

2.Anu

.. Respondents

Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the First Information Report in Cr.No.32 of 2014 dated 14.03.2014 on the file of the first respondent and quash the same.

For Petitioners : Mr.S.Doraisamy

For R1 : Mr.C.Emalias, APP

For R2 : Mr.P.Rajesh

Crl.OP.No.29440/2015:

T.Anu

.. Petitioner

Vs

R.Babu

.. Respondent

Petition filed under Section 482 of the Criminal Procedure Code, to withdraw M.C.No.75 of 2014 on the file of the Judicial Magistrate Court at Tambaram and transfer the same to the file of Family Court at Chennai within the High Court premises.

For Petitioner : Mr.P.Rajesh

For Respondent : Mr.S.Doraisamy

COMMON ORDER

While Crl.OP.No.18898 of 2014 has been filed to call for the records relating to the FIR in Crime No. 32 of 2014 on the file of the first respondent and quash the same, Crl.OP.No.29440 of 2015 has been filed to withdraw M.C.No.75 of 2014 from the file of the Judicial Magistrate Court at Tambaram and transfer the same to the file of Family Court at Chennai.

2. Today, when the matter was taken up for consideration, learned counsel appearing for both the parties submitted that the dispute between the parties was amicably settled and they have filed a memorandum of understanding dated 03.10.2016, to that effect.

3. The terms of the said memorandum of understanding read thus:

"This agreement of memorandum of understanding is at Chennai, on this 3rd day of October 2016

BETWEEN

T.Anu D/o.S.Thulasidas, Hindu, aged about ... years, residing at No.61, T.T.C.Nagar, Guduvanchery Kancheepuram District herein after called as PARTY OF FIRST PART

AND

R.Babu, S/o.R.Rajkumar, Hindu, aged about... years and residing at No.16, Kalyan Nagar, 3rd Street, Mudichur Road, Tambaram West, Chennai - 600 045, herein after called as PARTY OF SECOND PART

WHEREAS the marriage between party of 1st part and party of 2nd part was held on 21.10.2009, at VSR Kalyana mandapam, after the marriage both parties living together party of the 2nd part home at No.16, Kalyan Nagar, 3rd Street, Mudichur Road, Tambaram West, Chennai - 600 045.

Due to difference of opinion between the parties, the party of the 2nd part filed. The party of the 1st part given a police complaint on 05.02.2014 and register the FIR No.32/2014 dated 14.03.2014, it was pending before the W35, All Women Police Station.

The party of the 2nd part filed H.M.O.P.No.304/2011 before the Subordinate Judge at Tambaram and the petition was allowed, the part of the 1st part filed the appeal against the decree and judgment on H.M.O.P.No.304/2011 and an appeal CMA.No.13/2013 which is pending before the Hon'ble

District Court at Chengalpattu.

Party of the 1st part filed a maintenance case before the Judicial Magistrate at Tambaram in M.C.No.75/2014 is pending.

The relationship of marriage was broken and there is no possibility of reunion. Parties put the agreement of the parties decided to part with their way on the basis of the agreed terms and condition as follows:

THIS AGREEMENT OF UNDERSTANDING WITNESSETH AS FOLLOWS:

1. Party of the 2nd part agreed to pay and to settle the above cases as sum of Rs.2 lakhs as one time settlement, which was accepted by the 1st part.

2. Party of the 1st part given understanding withdraw all the cases against the 2nd party. Both the parties hereby agree and declare that they have no other claim to present and for future against each other in movable or immovable properties.

3. And the party of the 2nd part is agreed to give Rs.2 lakhs money for the payment of one time settlement, all so called accepted.

4. It is agreed that during the pendency of these proceedings, and in further each of the parties shall not interfere/ disturb the peaceful living of the each other, while living separately.

5. The parties to this agreement consciously accept that these terms and conditions hold good and executable against each other on the understanding that both the parties should fulfill their obligations in getting the decree of Divorce. The parties to this agreement, should not do any act, things and deeds knowingly or unknowingly to scuttle their proposal of getting decree of divorce.

6. The party of the 2nd party shall fulfil all his obligations as agreed in this memorandum and the party of the 1st part has come forward to fulfill all her obligations, believing the representation of the party of the 2nd part that he would fulfill all his obligations as agreed by him in time and extend full co-operation in getting Decree of Divorce."

4. In view of the above, Crl.O.P.No.18898 of 2014 is allowed by quashing the FIR in Crime No.32 of 2014 on the file of Inspector of Police, W-35, All Women Police Station, Tambaram and Crl.OP.No.29440 of 2015 is closed. The Memorandum of Understanding dated 03.10.2016 filed by the parties, is taken on record. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

rk

To

1.The Inspector of Police,
W-35, All Women Police Station,
Thambaram.

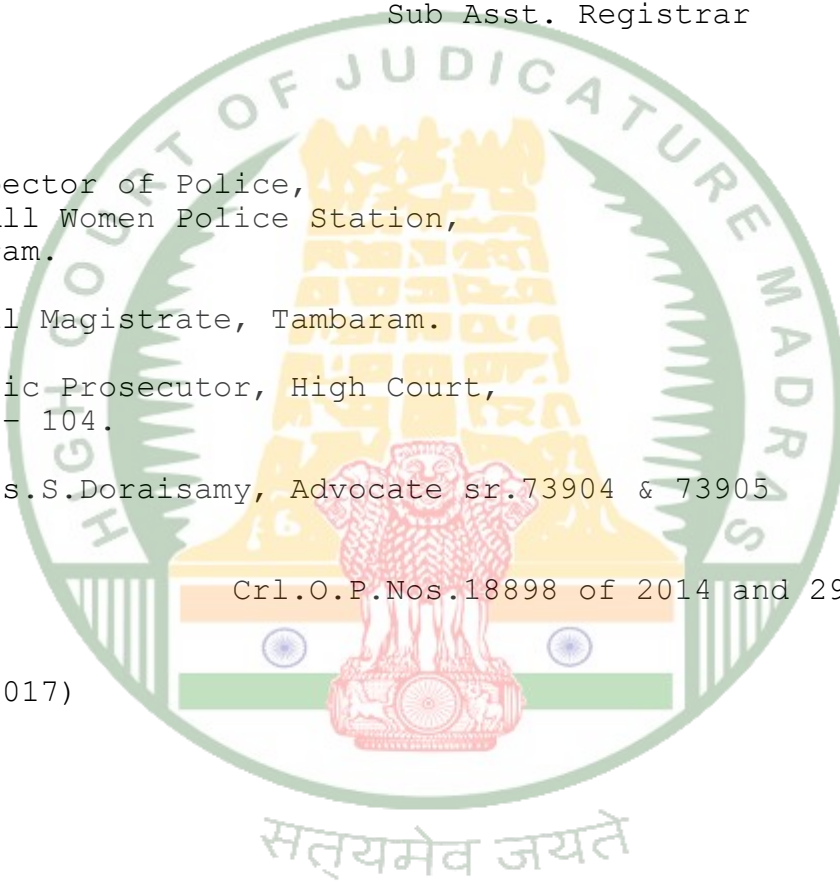
2. Judicial Magistrate, Tambaram.

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

+2cc to M/s.S.Doraisamy, Advocate sr.73904 & 73905

Crl.O.P.Nos.18898 of 2014 and 29440 of 2015

cp(co)
ss(27/01/2017)



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