

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.6638 of 2015 & M.P. No.1 of 2015

and

Crl.O.P. No.13409 of 2016

1 Nirmala
2 ShobanaPetitioners in Crl.O.P. No.6638 of 2015

Arun Prasad GanesanPetitioner in Crl.O.P. No.13409 of 2016

vs.

1 The State represented by
Inspector of Police
W-22, All Women Police Station
Mylapore
Chennai 600 004

2 S. AnithaRespondents in both Crl.O.Ps.

Crl.O.P. No.6638 of 2015:

Criminal Original Petition filed under Section 482 CrI.P.C. to call for the records in Crime No.24/2014 on the file of the first respondent/complainant and quash the same in respect of petitioners/A2 and A3.

Crl.O.P. No.13409 of 2016:

Criminal Original Petition filed under Section 482 CrI.P.C. to call for the records in Crime No.24 of 2014, now pending investigation on the file of the first respondent and quash the same.

For petitioner
in both Crl.O.Ps.

Mr. R.S. Kirubakaran

For R1 in both
Crl.O.Ps.

Mr. C. Emalias
Additional Public Prosecutor

For R2 in both
Crl.O.Ps.

Mr. A.D. Jagadish Chandra

ORDER

While Criminal Original Petition No.13409 of 2016 is filed to call for the records in Crime No.24 of 2014, now pending investigation on the file of the first respondent and quash the same, Criminal Original Petition No.6638 of 2015 is also filed to call for the records in the same crime number and quash the same in respect of petitioners/A2 and A3.

2 Heard the learned counsel for the parties.

3 For the sake of convenience, the parties will be referred to by their name.

4 Anitha got married to Arun Prasad Ganesan on 01.11.2009 and thereafter, their marriage ran into rough weather. Anitha lodged a complaint based on which, the respondent police registered a case in Crime No.24 of 2014 for offences under Sections 498-A, 406 and 506 (II) IPC and Section 4 of the Dowry Prohibition, against Arun Prasad Ganesan and his family members. Arun Prasad Ganesan moved an application in Crl.O.P. No.11815 of 2015 for anticipatory bail and this Court has referred the matter to the Tamil Nadu Mediation and Conciliation Centre, where, the parties have appeared and arrived at a compromise, the terms of which are as under:

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed 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 the 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 Crl.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 solemnised on 01.11.2009 held at Arthi Mahal, Kovilpatti, Thoothukudi District 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 the 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."

5 Today, when the matter was called, Anitha and Arun Prasad Ganesan are present and they are identified by Ms. C. Uvarani, Inspector of Police, W-22, All Women Police Station, Mylapore, Chennai-4. A Memorandum of Understanding dated 23.06.2016 signed by the parties is filed. Arun Prasad Ganesan has handed over 3 demand drafts worth Rs.20,00,000/- to Anitha, the details of which are as under:

Demand Draft No. & Date	Drawn on	Amount
727406-21.06.2016	Lakshmi Vilas Bank	5,00,000
727407-21.06.2016	Lakshmi Vilas Bank	5,00,000
504197-23.06.2016	ICICI Bank	10,00,000
Total		20,00,000

and he submitted that the balance of Rs.16 lakhs will be given to Anitha at the time of final disposal of the matrimonial proceedings.

In view of the above, both the petitions are allowed and the prosecution against the accused in Crime No.24 of 2014 on the file of the first respondent police is hereby quashed. Connected Crl.M.P. is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad
To

1 The Inspector of Police,
W-22, All Women Police Station,
Mylapore.

2 The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+3ccs to M/S.R.S.Kirubakaran, Advocate Sr.35426

CrI.O.P. No.6338 of 2015
and
CrI.O.P. No.13409 of 2016

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srg 28/06/2016



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