

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.6178 of 2016

and Crl.M.P.No.3187 of 2016

1.Rajesh Kannan

2.R.Sangeetha

Petitioners/Respondents 6 & 7

vs.

B.Sangeetha

Respondent/Complainant

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records in S.T.C.No.137 of 2015 on the file of the Judicial Magistrate, Thiruvannamalai and quash the same insofar as the petitioners are concerned.

For petitioners Mr.Sundar Mohan

for Mr.M.Suresh

For Respondent Mr.J.Saravana Vel

ORDER

This petition has been filed to call for the records in S.T.C.No.137 of 2015 on the file of the Judicial Magistrate, Thiruvannamalai and quash the same insofar as the petitioners are concerned.

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

3. B.Sangeetha got married to Balachander on 21.06.2013 and thereafter, their marriage ran into rough weather. Sangeetha has initiated proceedings in STC No.137 of 2015 before the Judicial Magistrate No.1, Thiruvannamalai under the Domestic Violence Act against Balachander and six others, for quashing which, this petition has been filed on the ground that the parties have arrived at a compromise. Earlier the parties were referred to the Mediation and Conciliation Centre, where they appear to have arrived at a compromise, as could be seen from the Mediation Agreement dated 25.11.2016:

"NOW THIS MEMORANDUM OF UNDERSTANDING WITNESSES AS FOLLOWS:

1. The PARTY OF THE FIRST PART agree and accept to pay Rs.6,00,000/- (Rupees Six Lakhs only) to the PARTY OF THE SECOND PART as full

and final settlement by way of demand draft in the name of PARTY OF THE SECOND PART.

2. The PARTY OF THE FIRST PART hereby agrees to pay an amount of Rs.4,00,000/- (Rupees Four Lakhs only) Rs.4,00,000/- on the date of quashing the above cases filed by the PARTY OF THE SECOND PART against ALL the persons in PARTY OF THE FIRST PART and the balance Rs.2,00,000/- (Rupees Two lakhs only) is agreed to be given on the date of granting the decree of divorce between the first person of PARTY OF THE FIRST PART and the PARTY OF THE SECOND PART.

3. The PARTY OF THE FIRST PART hereby agrees that they shall handover 5 sovereigns of jewels which was given by the PARTY OF THE SECOND PART at the time of handing over the Rs.4,00,000/- as mentioned above. The PARTY OF THE FIRST PART shall not claim their jewels of 6 sovereigns which were given to the PARTY OF THE SECOND PART at the time of marriage.

4. The PARTY OF THE SECOND PART hereby agrees that she has to cooperate with the quashing the cases in C.C.No.874 of 2014 pending on the file of Learned Judicial Magistrate, Alandur and S.T.C.No.137 of 2015 pending on the file Learned Judicial Magistrate-I, Thiruvannamalai. The PARTY OF THE SECOND PART further agrees that she shall file an affidavit to that effect in the quash petitions filed by the PARTY OF THE FIRST PART.

5. The 1st person of PARTY OF THE FIRST PART and PARTY OF THE SECOND PART hereby agree that they shall mutually go for divorce by filing a memo to that effect before the Learned Sub Judge, Rani in the pending HMOP No.119 of 2015 or as required by that Hon'ble Court.

6. The PARTY OF THE SECOND PART had taken all her belongings from the PARTY OF THE FIRST PART on 09.10.2016 and the PARTY OF THE FIRST PART agrees to pay additional compensation a sum of Rs.50,000/- (Rupees fifty thousand only) towards the damages found in sridhana articles. This amount will be paid along with Rs.2,00,000/- at the time granting decree of divorce as narrated in clause 2 supra.

7. The PARTY OF THE SECOND PART hereby agrees that any complaints, petitions and any other petition filed anywhere against the PARTY OF THE FIRST PART is hereby withdrawn.

8. Both the parties admit and accept that there are no claims against each other in any manner in future since the matter has been

amicably settled."

4. Sangeetha is present and is represented by counsel Saravanavel, who submitted that a sum of Rs.4 lakhs has been paid to Sangeetha.

5. In view of the above, this petition is allowed and the proceedings in STC No.137 of 2015 on the file of the Judicial Magistrate, Thiruvannamalai against all the respondents therein, including those who have not filed the quash petition, is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1.The Judicial Magistrate No.1, Thiruvannamalai.
- 2.The Public Prosecutor, High Court, Madras.

+1 cc to MrM.Suresh,advocate,sr.70462

+1 cc to Mr.J.Saravanavel,advocate,sr.70634.

krd 7/12

Cr1.O.P.No.6178 of 2016

सत्यमेव जयते

WEB COPY