

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.Nos.21203 and 27783 of 2013
and
MP.Nos.1, 2 and 1 of 2013 and 1 of 2014

1.Pradap Prakash Royapparaj
2.R.G.Prakash
3.Nambikkai Mary

.. Petitioners in
in both the petitions/
Accused

Vs

Arokia Augustina Mouttapa .. Respondent
in Crl.OP.No.21203/2013/
Defacto Complainant

1.Inspector of Police,
All Women Police Station,
Puducherry Town Police Station,
Puducherry. ..1st Respondent in
Crl.O.P.No.27783/13/Complainant

2.Arokia Augustina Mouttapa ..2nd Respondent in
O.P.No.27783/13 & Respondent
in Crl.O.P.No.21203/2013/
Defacto Complainant
in Crl.OP.No.27783/2013

Crl.OP.No.21203/2013: Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in MC No.3/2013 on the file of the Chief Judicial Magistrate, Pondicherry and quash the same.

Crl.OP.No.27783/2013: Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in Crime No.21/2012 on the file of the first respondent and quash the same.

For Petitioners : Mr.K.Sukumaran

For R1 : Mr.MR.Thangavel, APP (Pondy)

For R2 : Mr.R.Natarajan

COMMON ORDER

These petitions have been filed to call for the records pertaining to MC No.3/2013 pending on the file of the Chief Judicial Magistrate, Pondicherry and Crime No.21/2012 pending on the file of the first respondent and quash the same.

2. Today, both the parties along with their respective counsel on record are present. They have submitted that all the disputes have been amicably settled among themselves. When this Court enquired the parties, particularly, the second respondent / defacto complainant about the factum of compromise and the terms of compromise, they admitted the same. The second respondent has also expressed no objection in quashing the proceedings initiated against the petitioners herein and she has filed respective affidavits dated 12.01.2017 to that effect.

3. The relevant clauses of the said affidavits are extracted hereunder:

"6. I submit that the first petitioner herein has come down to India from USA where he is employed. On his appearance before the Family Court in the month of December, 2016 at the time of enquiry in both divorce petitions referred above, the first petitioner and myself have reached an understanding uninfluenced from any external source and out of free will and volition and without interference from anybody, we have reached a compromise and the terms of compromise have been reduced into writing and the said terms of compromise was filed before the Family Court at Puducherry on 14.12.2016. In terms whereof, we have agreed to settle our claims mutually. The police complaint which I have given on 22.11.2012 before the police as taken on file in Crime No.21 of 2012 against the petitioner is not pressed by me in view of the terms of compromise arrived at between us. So also, the order passed by the Chief Judicial Magistrate, Puducherry in MC No.3 of 2013 against the first petitioner herein is also not pressed in view of the terms of compromise arrived at between us. As a one time full and final settlement, the first petitioner has agreed to make payment a sum of Rs.10 lakhs to me by way of demand draft at the time of final enquiry in the aforesaid matrimonial proceeding. The things/articles belonging to each other have been submitted before the Family Court at Puducherry whereby agreeing to get each of us

property/things so deposited from the Family Court at Pondicherry at the time of final enquiry.

7. I state that we have agreed to set divorce from the family court in the aforesaid matrimonial proceedings pending on the file of the Family Judge at Pondicherry. In view of the terms of settlement so arrived at between us in writing and the same have been filed before the Family Judge at Pondicherry on 14.12.2016.

I pray this Hon'ble Court to accept the above terms of compromise reached between us before the Family Judge, Puducherry on 14.12.2016 and pass appropriate orders in the above Crl.OP.Nos.21203 and 27783 of 2013 and thus render justice."

4. In view of the above, Crl.OP.No.27783 of 2013 is allowed by quashing the FIR in Crime No.21/2012 pending on the file of the first respondent against the petitioners herein. Consequently, Crl.OP.No.21203 of 2013 is closed. The affidavits dated 12.01.2017 filed by the second respondent are taken on record. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rk

To

1.The Chief Judicial Magistrate, Pondicherry.

2.The Inspector of Police,
All Womens Police Station,
Puducherry Town Police Station,
Puducherry.

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

+ 2 ccs to Mr.K. Sukumaran, Advocate Sr.3788 & 3789

+ 2 ccs to Mr.R. Natarajan, Advocate Sr.3180 & 3179

+ 1 cc to Government Pleader Sr.3413

Crl.O.P.Nos.21203 and 27783 of 2013

TM(CO)

Eu 23.2.17