

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26498 of 2016
and
Crl.M.P.Nos.13252, 13253 of 2016
&
Crl.M.P.Nos.9354, 9355 of 2017

1.Vijit Taori

2.Shri Avinash Taori

3.Usha Taori

.... Petitioners

Vs.

Subhda Rathi

.... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and to quash the proceedings in DVC. No.120 of 2016 pending before the learned Additional Mahila Court, Egmore against the petitioners 1 to 3 therein.

For Petitioners : Mr.J.Lingeswaran

For Respondent : Mr.M.L.Joseph

for M/s.Chennai Law Associates

ORDER

The present petition is seeking for quashing the proceedings in DVC. No.120 of 2016 on the file of the learned Additional Judge, Mahila Court, Egmore, Chennai against the petitioners 1 to 3 herein. While the first petitioner is the husband of the respondent, the petitioners 2 and 3 are her father-in-law and mother-in-law.

2.When the Criminal Original Petition is pending, the learned counsel for both the parties offered to amicably settle the issues among themselves. Accordingly, the matter was called in the Chambers on various dates. On 02.11.2017, when the matter was lastly listed, after deliberations among the parties, it was recorded by this Court that the respondent herein had withdrawn all her complaints pending before the National Commission for Women, New Delhi and State Commission for Women at Chattisgarh and Bhopal. She had also by then received a sum

of Rs.20 lakhs out of the total agreed compensation of Rs.55 lakhs. What was pending as on that date, is the annulment of marriage in O.P.No.2763 of 2016 on the file of the learned II Additional Judge, Family Court, Chennai. Hence, both the parties sought for time to file a petition under Section 13(B) of the Hindu Marriage Act for dissolving their marriage by mutual consent as well as for withdrawing the original petition for annulment of marriage.

3.Today when the matter was called, the learned counsel on either side as well the respondent herein and the first petitioner appeared in person and reported that their application filed under Section 13(B) of the Hindu Marriage Act for dissolution of the marriage by mutual consent in O.P.No.414 of 2017 dated 22.11.2017 was allowed by the learned II Additional Judge, Family Court, Chennai. Likewise, the respondent herein had also withdrawn the petition seeking for annulment of marriage in O.P.No.2763 of 2016 on the same day (i.e.,) 22.11.2017.

4.The learned counsel on either side and both the parties had also affirmed that the personal belongings of the respondent has been handed over by the first petitioner on 18.11.2017 itself and the petitioner submits that apart from the above belongings, there are no other belongings in the custody of the first petitioner. Likewise, the first petitioner submits that he had also paid the balance amount of Rs.35 lakhs through Demand Draft dated 20.11.2017 bearing No."006369" drawn at HDFC Bank, Raipur in favour of the respondent herein. The respondent also acknowledged the receipt of the total agreed amount of Rs.55 lakhs towards full and final settlement. In view of the amicable settlement arrived at between the parties and on their submissions that there are no other claims against each other, their marriage has been dissolved, it would be appropriate to quash the proceedings in DVC.No.120 of 2016 pending on the file of the Additional Mahila Court, Chennai filed by the respondent herein against the husband and in-laws.

5.In view of my above observations, the proceedings in DVC.No.120 of 2016 on the file of the Additional Mahila Court, Egmore is quashed. Consequently, the Criminal Original Petition stands allowed. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-)

//True Copy//

Sub Assistant Registrar

DP

To

1.The Additional Mahila Court,
Egmore, Chennai.

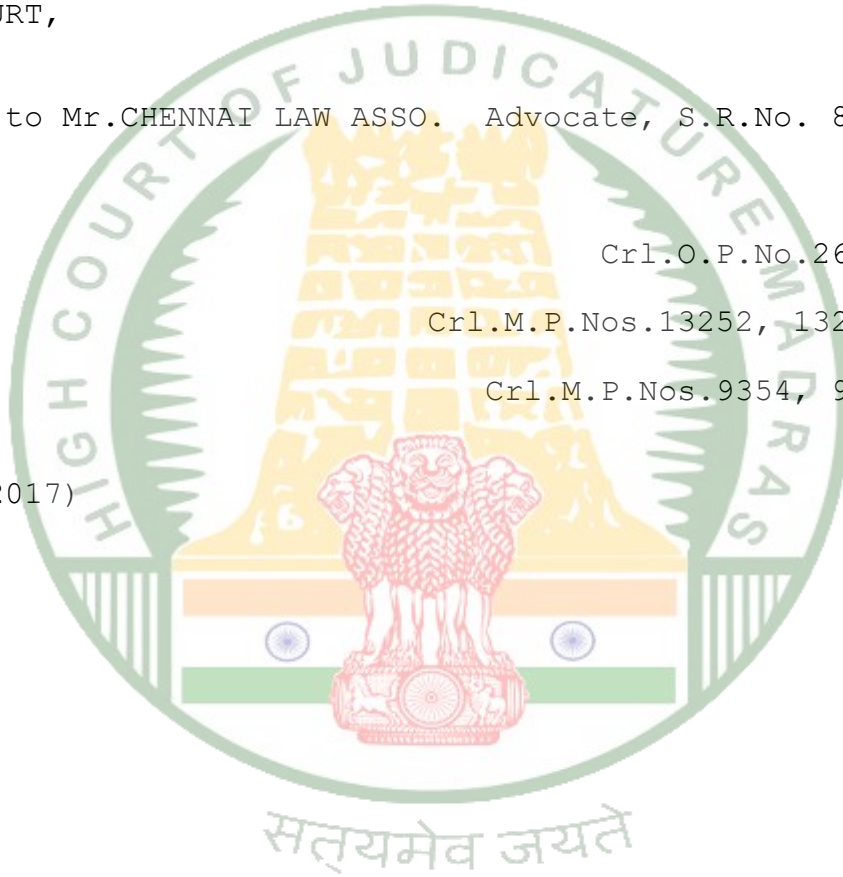
2.The Public Prosecutor,
High Court, Madras.

COPY TO
THE II ADDL. JUDGE,
FAMILY COURT,
CHENNAI

+1cc to Mr.CHENNAI LAW ASSO. Advocate, S.R.No. 83590

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MR (CO)
TR(28/11/2017)



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