



THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.1990 of 2017

N.Arun

: Petitioner

Vs.

1. State Rep.by
The Inspector of Police
All Women Police Station
Thoothukudi District

2. Ms.Felshya Jansirani

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records in C.C.No.165/2016 (On the file of the Judicial Magistrate No.1, Thoothukudi) and quash the proceedings against the petitioners alone.

For Petitioner : Mr.C.Vijayakumar

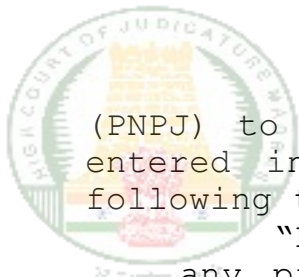
For Respondents : Mr.K.Anbarasan,
Government Advocate (Crl.side) For R1
: Mr.K.Saravanan for R2

ORDER

On the complaint lodged by Felsya Jansirani, the respondent police registered a case in Crime No.13/2013 and after completing the investigation, has filed a final report in C.C.No.165/2011 before the Judicial Magistrate, No.I, Tuticorin for offences under Sections 498(A), 506(i) IPC and Section 4 of the Tamil Nadu Prevention of Women Harassment Act and Section 4 of the Dowry Prohibition Act against Arun (A1) and his family members, for quashing which, this petition has been filed on the ground that the parties have arrived at a compromise.

2. Today, Ms.A.Kanagabai, Inspector of Police, All Women Police Station, Tuticorin, is present. Arun and Felsya Jansirani are also present and they are identified by their respective counsel.

3. They have filed a joint compromise memo. They have also filed individual affidavits stating that the matter has been compromised. Felshya Jansirani has filed an affidavit before this Court, wherein, she has stated that in connected proceedings in Chennai, the parties were referred to Mediation Centre, in connected litigations before Principal Bench of the Madras High Court in Crl.O.P.No.10112/2016, the parties were referred by this Court



(PNPJ) to the Mediation Centre, where, they have appeared to have entered into a memorandum of agreement dated 11.07.2016 on the following terms,

"Both sides, out of their own volition and without any pressure of coercion from any side have agreed as follows:

1. That the 1st Petitioner namely Felshya janasirani and the respondent have agreed mutually settle dispute between among themselves and also agreed to dissolve the marriage.
2. The Respondent Mr.N.Arun is willing to pay a sum of Rs.16,00,000/- (Rupees Sixteen Lakhs only) in full and final settlement, for which the 1st Petitioner has given the consent thereon.
3. The Petitioners 2 and 5 are only added parties and co-accused, who are not the necessary parties to sign this agreement since the dispute is amicably settled among the 1st Respondent.
4. The 1st Petitioner has to withdraw immediately the case Nos. M.C.No.9/2013 before the Chief Judicial Magistrate Court No.1 Thoothukudi and M.C.. No.24/2013 before judicial Magistrate No.1, Thoothukudi and Cr.No.13/2013 before the all Women Police Station(AWPS), Thoothukudi.
5. Both the parties agreed to not press in H.M.O.P.No.346/2014 before III Additional Sub Court, Madurai file a petition to dissolve the marriage before the Tamil Nadu Mediation and Conciliation Centre, Madras High Court, Chennai.
6. The Respondent Mr.N.Arun paying by way of D.D.No.001431 dated 08.07.2016 for a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) drawn in favour of 1st Petitioner which has been acknowledged by 1st Petitioner.
7. The Respondent Mr.N.Arun has to file a petition in C.C.No.594/2015 before the XVI Metropolitan Magistrate, George Town, Chennai, immediate on getting the dissolved marriage.
8. The balance amount is payable Rs.8,00,000/- (Rupees Eight Lakhs Only) on 25.07.2016."

4. In the light of the above, this petition is allowed and the proceedings in C.C.No.165/2016 pending before the Judicial Magistrate, No.I, Tuticorin is hereby quashed on the basis of the compromise entered into between the parties.

Sd/-

Assistant Registrar (CS-III)

/True Copy/



To

1. The Judicial Magistrate No.1, Thoothukudi.

2. The Inspector of Police
All Women Police Station
Thoothukudi District

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.C.VIJAYAKUMAR, ADVOCATE IN SR No. 12988

RR

TE/SKN-RSK : 17/04/2017 : 3P/5C

CrI.O.P. (MD) No.1990 of 2017
07.03.2017