

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.29778 of 2014, 6827 of 2017 and 12515 of 2018
& M.P.No.1/2014, Crl.M.P.Nos.4992 & 5023/2017 and 6698 &
6699/2018

1.J.Niyamathulla
2.S.Shameena Banu

.. Petitioners in
Crl.O.P.29778/2014

1.Shameena Banu
2..Niyamathulla

.. Petitioners in Crl.O.P.6827/2017

1.Shahul Hameed
2.Zeenath Nisha
3.Mohammed Yousuff

.. Petitioners in Crl.O.P.12515/2018

Vs

1.N.Najumunisha
2.Tanvir Ahamed
3.Shima Banu
4.Javahar Sulaiman @ Salaman

..Respondents in
Crl.O.P.29778/2014

1.State rep. by
Inspector of Police
W-35, All Women Police Station
Tambaram, Chennai 600 045.

2.Najumunisha

..Respondents in
Crl.O.P.6827/2017

1.The State rep. by its
Inspector of Police
S15, Selaiyur Police Station
Kanchipuram District.

2.S.Shameena

..Respondents in
Crl.O.P.12515/2018

Crl.O.P.No.29778 of 2014 filed under Section 482 Cr.P.C., to
call for the records pertaining to the Domestic violence

complaint in D.V.No.24 of 2014 on the file of the learned Judicial Magistrate, Tambaram, Chennai and quash the same against the petitioners.

Crl.O.P.No.6827 of 2017 filed under Section 482 Cr.P.C., to call for the records and quash the proceedings pending trial in C.C.No.1040 of 2014 on the file of the learned Judicial Magistrate, Tambaram, Chennai for the offence under Section 498-A, 406 & 506(ii) IPC r/w 34 IPC and 4 of TNPWH Act.

Crl.O.P.No.12515 of 2018 filed under Section 482 Cr.P.C. to call for the records and to quash the proceedings in C.C.No.351 of 2014 on the file of the Judicial Magistrate, Tambaram.

In Crl.O.P.29778/2014:

For Petitioners : Mr.G.Veerapathiran
For R1 : Mr.M.Nandha Kumar

In Crl.O.P.6827/2017:

For Petitioners : Mr.C.V.Kumar
For R1 : Mr.C.Iyyappa Raj
Additional Public Prosecutor
For R2 : Mr.M.Nandha Kumar

In Crl.O.P.No.12515 of 2018:

For Petitioners : Mr.K.Mukund Rao
For R1 : Mr.C.Iyyappa Raj
Additional Public Prosecutor
For R2 : Mr.G.Mohana Krishnan

C O M M O N O R D E R

Tanvir Ahmed got married to Najumunisha on 01.12.2013 and on account of matrimonial discord, they got estranged. On the complaint lodged by Najumunisha, the Inspector of Police, W-35 All Women Police Station, Tambaram, registered a case in Cr.No.27 of 2014 and after completing the investigation, they have filed a charge sheet in C.C.No.1040 of 2014 before the Judicial Magistrate, Tambaram for offences under Sections 498-A, 406, 506(2) IPC r/w 34 IPC against Tanvir Ahmed and 4 others for quashing which, Crl.O.P.No.6827 of 2017 has been filed.

2. On the complaint of Shameena, the sister of Tanvir Ahmed, that she was assaulted by the family members of Najumunisha,

the Sub Inspector of Police, S-15, Selaiyur Police Station, registered a case in Cr.No.429 of 2014 and after completing the investigation, have filed a charge sheet in C.C.No.351 of 2014 before the Judicial Magistrate, Tambaram, for the offences under Sections 448, 323 and 506(ii) IPC against Shahul Hameed and two others, for quashing which, Crl.O.P.No.12515 of 2018 has been filed.

3. Najumunisha has initiated proceedings under the Domestic Violence Act in D.V.No.24 of 2014 before the Judicial Magistrate, Tambaram against her husband and in-laws, seeking various reliefs under the Act.

4. Now it appears that all the parties have arrived at a compromise and have filed a joint memo of compromise dated 25.07.2018, the terms of which are as under:

"JOINT COMPROMISE MEMO

The private parties above named states as follows:

1. Whereas in C.C.No. 1040 of 2014 the Defacto Complainant is Najumunisha and final report is filed against the accused for the offences under Sections 498 (A), 406 & 506 (ii) of IPC R/w 34 of IPC and 4 of TNPWH Act.
2. Whereas in C.C. No. 351 of 2014 the Defacto Complainant is Shameena banu and final report is filed against the accused for the offences under Sections 323, 448, 506 (ii) IPC.
3. Whereas a Domestic Violence case in D.V. No. 24 of 2014 was filed by N.Najumunisha against her husband and in-laws for compensatory reliefs.
4. Whereas in M.C. No. 21 of 2015 on the file of Judicial Magistrate, Tambaram was filed by N.Najumunisha against her husband for relief of Maintenance.
5. Whereas all the above cases are arising between and among the family members and the same are arising out of marital relationship between N.Najumunisha and Tanvir Ahmed and after mutual discussions and mediations, all the parties herein have voluntarily decided to settle the issue and to give a peace among them, they have arrived at this compromise on the terms and conditions hereinafter mentioned and the same was agreed to between the parties wholeheartedly.

a) That N.Najuminisha had sent notice of Kula dated 28.08.2017 intending to dissolve her marriage with Tanvir Ahmed and the marriage solemnized between S.Tanvir Ahamed and N.Najumunisha dated 01.12.2013 is to be dissolved peacefully according to the Muslim personal law and both of them agreed to do so and they intentionally dissolve the marriage between S.Tanvir Ahamed and N.Najumunisha held on 01.12.2013 by executing this Joint Memo and both have agreed to comply with the legal formalities in pursuance of such dissolution of marriage and N.Najumunisha. This clause is agreed upon without any demands whatsoever from either parties and both have agreed to exchange each other of their respective articles.

b) That N.Najumunisha has agreed to withdraw her petitions in D.V. No. 24 of 2014 and M.C. No. 21 of 2015 both pending before Judicial Magistrate, Tambaram on the condition that:

(i) Shameena Banu, the defacto complainant in C.C. No. 351 of 2014 as agreed by this joint memo of compromise, would give consent for quashing the said Final report before the High Court of Judicature at Madras in Crl.O.P.No.12515/2018

(ii) N.Najumunisha, the defacto complainant in C.C. No. 1040 of 2014 has agreed by this joint memo of compromise, would give consent for quashing the said Final report before the High Court of Judicature of Madras in the Quash Petition filed by the accused therein Crl.O.P.no.6827/2017 and also gives consent for quashing the Domestic violence proceedings in Crl.Op.No: 29778/2014 in D.V.No.24/2014 and Maintenance proceedings in M.C.No.21/2015.

(c) As stated above, the complainant parties in the above four cases agreed to withdraw the same without making any demand whatsoever from either parties except the abovementioned compliances.

(d) All the signing parties herein have agreed to follow the terms and conditions scrupulously and sincerely.

(e) Both parties agree that neither of them have or will make any alimony and claims against the other in the future.

(f) The parties agree that they will not approach Shariath Forum or any forum under their personal law except for filing divorce petition before Principal District Judge at Chengalpet. The wife Najumunisha.N agreed to withdraw the complaint filed before Shariath Forum.

(g) Both parties have condoned the acts of each other and their respective families and will not initiate any actions in the future, before any court of law or before Shariat Forums.

(h) Both parties state that they are entering into this Joint Memo out of free will, consent, volition and that there is no threat, coercion, undue influence or duress.

(i) There is no child born through the wedlock between the parties.

(j) Both parties agree that they shall be bound by this Joint Memo and the orders passed by this Hon'ble Court in terms of this Joint Memo

(k) In the event of any of the parties hereto acting contra to the terms of this Joint Memo, the other party is at liberty to approach this Hon'ble Court for appropriate reliefs including an action for contempt.

In these circumstances, it is humbly prayed that this Hon'ble Court may be pleased to record this Joint Memo and dispose Crl.Op No. 29778 of 2014 and Crl.Op No. 6827 of 2017 and Crl.Op.No: 12515 of 2018 in terms of this Joint Memo and pass such further or other orders as this Hon'ble Court may deem fit and just and thereby render justice."

In view of the above, these petitions are allowed and the proceedings in C.C.No.351 of 2014, C.C.No.1040 of 2014 and D.V.No.24 of 2014, all pending before the Judicial Magistrate,

Tambaram are quashed against all the parties, including those who have not approached this Court. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gms

To

1. The Inspector of Police
W-35, All Women Police Station
Tambaram, Chennai 600 045.
2. The Inspector of Police
S15, Selaiyur Police Station
Kanchipuram District.
3. The Judicial Magistrate,
Tambaram.
4. The Chief Judicial Magistrate,
Chengalpat.
5. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.K.Mukund Rao, Advocate in sr.no.50605 (30.08.2018)

+1cc to Mr.G.Mohana Krishnan, Advocate in sr.50586 (25.09.2018)

सत्यमेव जयते

CrI.O.P.Nos.29778 of 2014, 6827
of 2017 and 12515 of 2018

BR(Co)
CS/11/08/18

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