

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2018

CORAM:

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

CrI.O.P. No.24751 of 2018

1 K. Ramesh
2 Kothandam
3 K. Malliga ..Petitioners

vs.

1 The State represented by
the Inspector of Police
All Women Police Station
Tambaram
2 P. Ramyapriya ..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records relating to C.C. No.303 of 2014 on the file of the Judicial Magistrate Court, Tambaram and quash the same in view of the terms of settlement arrived at on 08.09.2018 at the National Lok Adalat organised by the High Court Legal Services Committee, Chennai.

For petitioners : Mr. S. Arivazhagan

For R1 : Mrs. M. Prabhavathi
Addl. Public Prosecutor

For R2 : Mr. Babu Muthu Meeran

ORDER

This Criminal Original Petition has been preferred seeking to call for the records relating to C.C. No.303 of 2014 on the file of the Judicial Magistrate Court, Tambaram and quash the same in view of the terms of settlement arrived at on 08.09.2018 at the National Lok Adalat organised by the High Court Legal Services Committee, Chennai.

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

3 Ramyapriya (de facto complainant/second respondent) got

married to Ramesh (A1/first petitioner) on 08.04.2009 and they have a son by name Rohit through the wedlock. Their marriage ran into rough weather resulting in the spouses getting estranged. On the complaint lodged by Ramyapriya, the first respondent police registered a case in Cr. No.9 of 2014 and after completing the investigation, filed a charge sheet in C.C. No. 303 of 2014 before the Judicial Magistrate Court, Tambaram, for the offences under Sections 498-A and 406 IPC against Ramesh (A1), Kothandam (A2) and Malliga (A3), for quashing which, this Criminal Original Petition has been preferred by the three accused on the ground that at a compromise has been arrived at between them and Ramyapriya before the National Lok Adalat held on 08.09.2018.

4 Today, both Ramyapriya and Ramesh are present before this Court and are identified by Ms. G. Sheeba, W.Gr.I, 32647, W-35, A.W.P.S. who is also present before this Court.

5 This Court perused the award dated 08.09.2018 passed in the National Lok Adalat, the operative portion of which reads as follows:

"3. Now today before the Lok Adalat, after much persuasion, deliberation and negotiation, both parties have arrived at the following statement:

i the husband shall pay sum of Rs.32,50,000/- to the wife as one full and final settlement as permanent alimony on or before 31.10.2018 and both parties shall not make any further claim against each other or on behalf of the minor son.

ii Out of Rs.32,50,000/-, a sum of Rs.15,00,000/- shall be kept in the fixed deposit in the name of minor son, viz., R.R. Rohit in any one of the nationalised bank. The accrued interest shall be utilised for the educational expenses of the minor son till he attains majority.

iii On receipt of the above said amount, the wife undertake to withdraw the criminal case filed by her against the husband and their in-laws in C.C. No.303 of 2014 pending on the file of the Judicial Magistrate, Tambaram or to cooperate with the husband to appropriate steps to quash the complaint under Section 482 Cr.P.C.

iv It is mutually agreed by both husband and wife, the custody of the child shall remain with the wife and it is open for the husband to visit as and when he requires, for which, the wife shall not object.

v Both husband and wife, hereby undertake on payment and receipt of the permanent alimony amount, both parties, shall file an application under Section 13B of the Hindu Marriage Act for mutual separation before the Sub Court, Tambaram. The said application shall be disposed of without insisting the mandatory six months period since the said marriage failed miserably and gone beyond any reconciliation.

vi Both parties are hereby agreed to scrupulously abide by the terms of compromise, recorded above.

On the above terms, both Civil Revision Petitions stand disposed of as settled out of Court.

4. Award is passed accordingly."

6 Ramyapriya has also filed an affidavit dated 23.10.2018, wherein, at paragraph no.5, she has stated as under:

"5. I humbly submit that at the intervention of elders and well wishers of both family, efforts have been taken to settle the dispute amicably and accordingly, the matter had been referred to National Lok Adalat held on 08.09.2018 at High Court, Chennai. As per the settlement arrived at National Lok Adalat, the husband, i.e., 1st petitioner herein shall pay a sum of Rs.32,50,000/- to the wife, i.e., 2nd respondent herein as one full and final settlement as permanent alimony. Out of Rs.32,50,000/- a sum of Rs.15,00,000/- shall be kept in the fixed deposit in the name of minor son, viz., R.R. Rohit in any one of the nationalised bank. As per the term of settlement, a sum of Rs.15,00,000/- had been deposited by the 1st petitioner herein in the name of minor son, viz., R.R. Rohit and the remaining amount of Rs.17,50,000/- had been received by me today, i.e., 23.10.2018. In view of the above said settlement, I have no objection in allowing the above quash petition filed by the petitioners herein."

7 Though in paragraph no.5 of the affidavit filed by Ramyapriya, she has stated that she had received payment of Rs.17.50 lakhs on 23.10.2018, yet, the two demand drafts were actually handed over to her in the open Court only today and the description of the demand drafts is as under:

S. No.	D.D. No. & Date	Bank name and branch	Amount
1	750513 / 08.10.2018	I.O.B., Maraimalai Nagar	8,50,000
2	750514 / 08.10.2018	I.O.B., Maraimalai Nagar	9,00,000
Total			17,50,000

In view of the compromise arrived at between the parties, this Criminal Original Petition is allowed and the proceedings in C.C. No.303 of 2014 on the file of the Judicial Magistrate Court, Tambaram, is quashed as against all the accused on condition that each of the petitioners pays a sum of Rs.1,000/- (Rs.1,000 x 3 petitioners, totally Rs.3,000/-) as costs to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police
All Women Police Station
Tambaram

2.The Judicial Magistrate
Tambaram

3.The Public Prosecutor, High Court of Madras
Chennai 600 104

4.The Section Officer,
High Court, Madras-104.

+1cc to Mr.M.Babu Muthu Meeran, Advocate, S.R.No.74100

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RK(CO)

rrs 16/11/2018