



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.08.2018
CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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CrI.O.P.(MD).No.5305 of 2018

1.G.Raghunaath,
S/o.Gandeepan.

2.Gandeepan,
S/o.Suruliyandi Chettiar.

3.Renuka
Vs. ...Petitioners

1.The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.

2.T.Nithyasini ...Respondents

(amended as per order of this Court made
in CrI.M.P(MD).No.5951 of 2018 in CrI.O.P(MD)
.No.5305 of 2018 dated 25.07.2018)

PRAYER: Criminal Original Petition filed under Section 482 of the
Criminal Procedure Code, to direct the respondent not to harass
the petitioners under the guise of enquiry.

For Petitioners : Mr.M.A.M.Raja

For R1 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

For R2 : Mr.S.Anandhakumar

ORDER

This Criminal Original Petition has been filed for a
direction to the respondent not to harass the petitioners.

2.This Criminal Original Petition was referred to Mediation
and Conciliation Centre, attached to this Bench, since the dispute
exists between the first petitioner/husband, second and third
petitioners/in-laws on the one hand and the second respondent on



the other hand.

3. The parties agreed to compromise before the Mediation Centre. As a result of same, the matter was again referred back to the Court.

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4. Today when the matter was called, the parties were present before this Court. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. In order to identify the respective parties they have also produced the copy of the Aadhaar Card, which is made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. As per the joint compromise, the parties have agreed to return back the articles belonging to second respondent. That apart, the first petitioner agreed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the second respondent towards past and future maintenance and the second respondent has agreed to receive the same in full satisfaction of her maintenance claim.

5. Out of the above said Rs.10,00,000/- (Rupees Ten Lakhs only), by way of Demand Draft No.554743, dated 26.07.2018 for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) drawn in favour of the second respondent was handed over to the second respondent. Balance of Rs.5,00,000/- (Rupees Five Lakhs only) is sought to be deposited before this Court and the first petitioner and the second respondent are in the process of filing the petition for divorce on the ground of mutual consent and as and when the final orders are passed in the petition for divorce on the ground of mutual consent, the amount deposited before this Court will be handed over to the second respondent.

6. The learned counsel for the petitioners is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) in the name of Additional Registrar General, Madurai Bench of Madras High Court, Madurai. The Additional Registrar General is directed to deposit the same in the interest bearing fixed deposit for a period of one month. As and when proceedings before the Family Court are initiated for divorce by mutual consent and final orders are passed, the second respondent is at liberty to file an appropriate memo before this Court seeking for withdrawal of Rs.5,00,000/- (Rupees Five Lakhs only) along with the accrued interest.

7. The parties have decided to end their relationship as husband and wife by filing a petition for divorce by mutual consent. In view of the judgment of the Hon'ble Supreme Court in the case of Amardeep Singh Vs. Harveen Kaur reported in (2017) 8 Supreme Court Cases 746, the cooling period of six months was



held to be directory and it is open to the parties to dispense with the said period of six months by filing an appropriate application before the Family Court along with the petition for divorce.

8.The memorandum of compromise dated 25.07.2018 and 13.08.2018 are made part of this order.

9.This Criminal Original Petition is disposed of to the extent indicated above.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

Encl: Xerox copy of Joint Compromise Memo

To

1.The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.

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

+1CC to Mr.G.Chandra Sekar, Advocate, SR.No.78635
+1CC to Mr.M.A.M.Raja, Advocate, SR.No. 15648

Cr1.O.P.(MD).No.5305 of 2018
13.08.2018

RMK
ES/SKN/RSK/SAR 4/05.09.2018/3P/5C