

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.15169 of 2013 and
M.P.Nos.1 & 2 of 2013

- 1.Helen Shanthini
- 2.Jeyashekar
- 3.Alerene Diwakaran
- 4.Jeborah

... Petitioners

Vs.

- 1.State represented by
The Inspector of Police,
W-25, All Women Police Station,
T.Nagar, Chennai
- 2.Judith Keziaha

... Respondents

Prayer : Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the records in C.C.No.991 of 2013 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioners : Mr.A.V.Somasundaram,
for M/s.Lakshmi Priya Associates
For Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor for R1
: Mr.R.Krishnakumar for R2

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.991 of 2013 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai, having been taken cognizance for the offences punishable under Sections 498 (a), 406 & 506(i) I.P.C.

2. The learned counsel appearing for the petitioners would submit that the parties have entered into a joint memorandum of understanding dated 16.03.2019, which has been enclosed in the petition. As such he prayed for quashment of proceedings in C.C.No.991 of 2013 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai.

3. It is seen that joint memorandum of understanding dated 16.03.2019 has been entered between the parties, which is extracted hereunder:

"1.The parties herein are not having any cohabitation for the past seven years since they were separated, now the 1st party has filed the Divorce petition bearing IDOP.No.155 of 2018 before the Hon'ble Principal District and Sessions Court at Thiruvallur for the want of divorce on the ground of desertion despite the fact that the 2nd party had obtained a Divorce via Ex-parte Decree in U.S.A.

2. The 1st party herein has agreed to withdraw the case bearing C.C.No.991 of 2013 filed under Section 498A, 406 and 506(ii) of I.P.C., 1860 against the 2nd party and his family members, which is pending on the file of the learned XVII Metropolitan Magistrate, Chennai. in connection to the above, the 1st Party also has agreed to say "No Objection" as to the "Quash Petitions" bearing Crl.O.P.No.15169 of 2013 and Crl.O.P.No.23419 of 2014 pending before the Hon'ble High Court of Judicature at Madras.

3. In view of this Joint MOU, the 2nd Party herein has agreed to act in accordance with the 1st party in respect of the Divorce proceedings bearing IDOP No.155 of 2018 initiated by the 1st party for the want of Decree of Divorce pending on the file of Hon'ble Principal District and Sessions Judge, Thiruvallur. The 2nd Party herein also agreed not to object in anyways to obtain the Order or Decree in IDOP.No.155 of 2018 pending before the Hon'ble Principal and Sessions Judge, Thiruvallur.

4. The 1st party herein has agreed not to claim any maintenance from the 2nd Party in any manner for herself, whatsoever, for the past, present or future.

5. In view of this Joint Memorandum of understanding, the parties hereto have agreed not to make any claims, demands, allegations or complaints whatsoever, against each other and shall not file any fresh petitions or complaints against each other in the future. Whereby both the parties also agree that all the disputes between them are settled once for all by way of this compromise.

6. It is also agreed that neither the 1st Party nor the 2nd Party shall have any other legal claim nor suit against each other for past, present or future. Either of the parties hereto shall have no rights, interests or claims over the properties of the other or legal claim or suit against each other and owned or earned by either of them, the parties had not claimed anything in the past, present and in future, at any point of time hereafter.

7. In view of this Joint Memorandum of Understanding, the Both parties herein acknowledges the receipt of the Articles exchanged between them and shall not claim anything from each other in the future.

8. The Parties herein agrees to live separately as per their own whims and fancies and shall not interfere in each other's life or endeavors in the future in any manner and shall choose their future as per their desire."

4. In view of the joint memorandum of understanding dated 16.03.2019 entered between the parties, this Court is of the view that no purpose would be served if this Criminal Original Petition is kept pending. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.991 of 2013 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai is quashed. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
W-25, All Women Police Station,
T.Nagar, Chennai
2. The XVII Metropolitan Magistrate,
Saidapet, Chennai
3. The Additional Public Prosecutor,
High Court, Madras.

+3 Ccs to M/s.Lakshmi Priya Associates sr 26603.

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M.P.Nos.1 & 2 of 2013

BR(CO)
SP(29/04/2019)