



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.OP No.20848 of 2016

and

Crl.O.P.Nos.9171, 12120 & 26589 of 2019

& Crl.MP.No.9674 of 2016 and

Crl.M.P.Nos.14217, 14244, 4852, 6292 & 6310 of 2019

In Crl.O.P.No.20848 of 2016

1.M.Subramanian

2.M.Sankari

3.S.Damodharan

... Petitioners

Vs.

1.State rep. by

The Inspector of Police,
All Women Police Station,
Tambaram, Chennai.
Crime No.15/2010

2.R.Ranjeetha

... Respondents

Prayer in Crl.O.P.No.20848 of 2016:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.427 of 2015 on the file of the learned Judicial Magistrate, Tambaram and to quash the same.

For Petitioners

:Mr.P.Kannan Kumar

For Respondent-1

:Mr.C.Iyyapparaj, APP

For Respondent-2

:Ms.N.Devi

In Crl.O.P.No.9171 of 2019

1.R.Ranjeetha

2.B.Ravichandran

3.S.Gangabai

4.Shivashankar

... Petitioners

Vs.



WEB COPY

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

2.Gopalakrishnan
Respondents

...

Prayer in Crl.O.P.No.9171 of 2019:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records relating to FIR No.28 of 2017 on the file of the first respondent and to quash the same.

For Petitioners	: Ms.N.Devi
For Respondent-1	:Mr.C.Iyyapparaj, APP
For Respondent-2	:Mr.P.Kannan Kumar

In Crl.O.P.No.26589 of 2019

Gopalakrishnan ... Petitioner
Vs.

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

2.R.Ranjeetha ... Respondents

Prayer in Crl.O.P.No.26589 of 2019:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records connected to the warrant of arrest dated 18.02.2015 passed in M.P.No.809 of 2013 in M.C.No.93 of 2010 by order dated 18.02.2015 on the file of the learned I Additional Family Judge, Chennai and to set aside the same.

For Petitioner	:Mr.P.Kannan Kumar
For Respondent-1	:Mr.C.Iyyapparaj, APP
For Respondent-2	:Ms.N.Devi

and

In Crl.O.P.No.12120 of 2019

Gopalakrishnan ... Petitioner

Vs.



1.State rep. by
The Inspector of Police,
W-35, All Women Police Station,
Tambaram,
Chennai.
(Cr.No.15/2010)

2.R.Ranjeetha

... Respondents

Prayer in CrI.O.P.No.12120 of 2019:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records connected in C.C.No.163 of 2011 on the file of the learned Judicial Magistrate, Tambaram and to quash the same.

For Petitioner	:Mr.P.Kannan Kumar
For Respondent-1	:Mr.C.Iyyapparaj, APP
For Respondent-2	:Ms.N.Devi

C O M M O N O R D E R

When the matters came up for hearing today, the parties to the proceedings namely, M.Subramanian, M.Sankari, S.Damodharan, R.Ranjeetha, B.Ravichandran, S.Gangabai are personally present before this Court. Both the affidavit of R.Shivashankar, the fourth petitioner in CrI.O.P.No.9171 of 2019 and Mr.S.Gopalakrishnan, who is the former husband of R.Ranjeetha, residing now at Seattle, Washington, USA has authorised his father Mr.M.Subramanian to represent him for the purpose of entering into a compromise through a Deed of Power of Attorney dated 21.11.2019, which have been duly notarised are presented before this Court along with the Joint Memo of Compromise dated 27.11.2019. R.Ranjeetha and her parents have expressed their no objection for the Deed of Power of Attorney given by Mr.S.Gopalakrishnan.

2. Heard the learned counsel for the parties as well as the learned Additional Public Prosecutor for the respondent police.

3. Since the parties in all the aforesaid proceedings are predominantly one and the same, a common order is passed in these Criminal Original Petitions. Pending aforesaid Criminal Original Petitions, the parties have amicably resolved the dispute among themselves and entered into a memo of compromise.

4. The terms of the Memo of Compromise has reflected in the



WEB COPY

(b) The comprehensive maintenance fund paid by Mr. S. Gopalakrishnan to his son Master Ashvath (his legal heir) is towards the maintenance, livelihood, educational and all other expenses of Master G.Ashvath and shall be made as a fixed deposit in any nationalized bank and Ranjeetha is entitled to withdraw the accrued interest for the livelihood, educational and medical expenses of minor child G.Ashvath.

c) The comprehensive maintenance fund shall not be liquidated or alienated till Minor boy G.Ashvath attains the age of majority i.e on 11.05.2026.

d) Mr. Gopalakrishnan accepts and concedes to unconditionally withdraw the criminal proceedings initiated by him in Crime No.28 of 2017 pending on the file of the 1st respondent and the same is challenged before this Court in Crl.O.P.No.9171 of 2019. Mr. Gopalakrishnan Subramanian will not file fresh any cases against the Marriage between Mrs.R.Ranjeetha and Mr.Sivashankar.

(e) The minor boy Master Ashvath, who is under the custody of his mother Mrs.R.Ranjeetha as per the order dated 06.02.2012 in O.P.No.2833 of 2010 on the file of the I Additional Family Court, Chennai shall continue to be under the permanent custody of his mother and that the father Mr. Gopalakrishnan /his parents/ his relatives/ his brothers will not claim permanent custody of Master boy Ashvath and all the petitioners hereby accepts the same in whole heartedly.

(f) Mr.S.Gopalakrishnan and his parents viz., Mr.M.Subramanian and Mrs.S.Shankari and his two brothers viz., Mr.S.Dhamodaran, Mr.S.Santhosh kumar, shall have visitation rights over the minor boy Master Ashvath and during such proposed visit, he/they shall give prior intimation to the mother viz., Mrs.Ranjeetha or her parents viz., Mr.B.Ravichandran and Mrs.S.Gangabai (with whom the child is presently staying), prior to 2 days of his/their visit, all the petitioners hereby accepts the same in whole heartedly.



WEB COPY

(g) Mrs.Ranjeetha accepts and concedes to unconditionally withdraw the criminal proceedings initiated by her in C.C.Nos.163/2011 and 427/2015 pending on the file of Hon'ble Judicial Magistrate, Tambaram which is the Crime No.15 of 2010, on the file of the 1st respondent and the same is challenged before this Court in Crl.O.P.No.20848 of 2016 and Crl.O.P.No.12120 of 2019.

(h) Mrs.Ranjeetha, hereby accepts to set aside the order dated 06.02.2012 in M.C.No.93 of 2011 on the file of the Additional Family Court, Chennai as she receives the comprehensive maintenance fund to the minor boy Ashvath. In view of this settlement in order passed in M.C.No.93 of 2011, dated 06-02-2012, and is hereby set aside by this Hon'ble Court and Mrs. Ranjeetha shall not file any fresh applications or proceed further in this regard.

(i) in view of the settlement, the restitution of conjugal rights order dated 06.02.2012 in O.P.No.388/2010 obtained by Mrs.Ranjeetha is hereby set aside by this Hon'ble Court.

(j) the final order of Divorce between Mr.Gopalakrishnan Subramanian and Mrs.R.Ranjeetha, pronounced in the Hon'ble Circuit Court Fairfax County, Virginia, USA on April 14th, 2014 in CL.No.2013-6776 is wholeheartedly accepted by both the parties and there by the marriage between Mr.Gopalakrishnan Subramanian and Mrs.R.Ranjeetha d/o B.Ravichandran held on 28.05.2007 at Udhayam Kalyana mandabam, Ashok Nagar, Chennai is hereby dissolved by this Hon'ble Court.

(k) Mrs.Ranjeetha, accepts unconditionally to withdraw the proceedings initiated against Mr.Gopalakrishnan, Mr.Subramanian, Mrs.Shankari, Mr.Dhamodaran, before the District Social Welfare Officer, Kancheepuram in DVA No 122/2010.

(l) Mr.Gopalakrishnan has paid a sum of Rs.45 lakhs (Rupees Forty Five Lakhs Only) towards full and final settlement for the maintenance of Master Ashvath s/o Gopalakrishnan Subramanian (legal heir of Gopalakrishnan Subramanian) which



WEB COPY

amount is mutually agreed to be deposited and retained in minor Ashvath's account, until he attains the age of 18 years (11.05.2026). The mother viz., Mrs.Ranjeetha shall only be entitled to withdraw the interest accrued on the amount for the purpose of maintaining the minor boy G.Ashvath.

(m) Mrs.R.Ranjeetha filed a petition in C.M.P.No.7404 of 2010 on the file of the Hon'ble Judicial Magistrate Court, Tambaram for the redemption of Stridhans in which an exhaustive list of Stridhans like Gold Ornaments, Silver Articles, Household utensils & articles, cash and clothes are included (A separate annexure list No.1 is enclosed herewith). Against this list a portion of jewelleries, silver articles, dresses, utensils belonging to Mrs.Ranjeetha and which are in the custody of Mr.Gopalakrishnan and his parents are returned to Mrs.Ranjeetha and the same is acknowledged by Mrs.Ranjeetha. (A separate annexure list No.2 is enclosed herewith). R. Ranjeetha agrees to withdraw the above mentioned petition C.M.P.No.7404 of 2010 on the file of the Hon'ble Judicial Magistrate Court, Tambaram. All the parties mutually agree and acknowledge both annexures with the signatures of Ranjeetha, her father B.Ravichandran, her mother S.Gangabai, Gopalakrishnan, his father M.Subramanian, his mother S.Shankari, his brother S.Dhamodaran and there will not be any future litigation against each other for the above said cause of action.

(n) Mr.Gopalakrishnan, has produced a Demand Draft Dated 26.11.2019 bearing No. 519672 drawn in favour of Master Ashvath G for a sum of Rs.45 lakhs (Rupees forty five lakhs only) from ICICI Bank, T. Nagar Branch which in turn will be created as fixed deposit in the Indian Bank, Nesapakkam branch by R.Ranjeetha.

(o) Mrs.Ranjeetha after having created a fixed deposit of Rs.45 lakhs in the name of Master G.Ashvath s/o R.Ranjeetha in Indian Bank, Nesapakkam branch, she will produce the fixed deposit receipt of Rs.45 lakhs to this Hon'ble Court on 28.11.2019. The fixed deposit will not be liquidated/alienated till Master boy



WEB COPY

Mr.S.Dhamodharan and Mr.S.Santhosh kumar respectively will not file any objection petitions and any hindrance whatsoever nature on the passport of Mrs.R.Ranjeetha, Mr.Shivashankar, Master G.Ashvath, B.Ravichandran and S.Gangabai.

(s) All warrants/proclamation order/look out circular/any other orders affecting the free travel of Mr.Gopalakrishnan Subramanian, with Indian Passport Number J0091918, to India, issued by the competent courts, shall stand recalled/withdrawn."

The terms of the Joint Memo of Compromise dated 27.11.2019 is hereby recorded.

5. The learned counsel appearing for both the parties submitted that a Fixed Deposit in TDR No.T11/MTDR-0695995 dated 28.11.2019 has been drawn in favour of Minor G.Ashvath on Indian Bank, Head Office, Chennai and the Fixed Deposit certificate has been handed over to the respondent by the petitioners. The date of maturity of the Demand Draft is on 11.05.2026.

6. The Branch Manager of the Indian Bank, Nesapakkam Branch, Chennai shall enable Mrs.R.Ranjeetha, the natural guardian to withdraw the interest accrued from the fixed deposit account of of Minor Ashvath G periodically to her convenience. On maturity of the Fixed Deposit account, Minor Ashvath G would be at liberty to deal with the same in whatever manner he may choose to do so. Apart from the aforesaid observations and findings, all other terms of the Joint Memo of Compromise dated 27.11.2019 agreed by and between the parties shall be strictly adhered to. The terms of the Joint Memo of Compromise dated 27.11.2019 along with affidavit of Mr.Shivashankar and power of attorney of Mr.Gopalakrishnan totalling to 27 pages shall form part of the order.

7. The parties of these petitions shall henceforth endeavor to live peacefully without creating a situation which could bring any unpleasantness among themselves.

8. It is stated by the learned counsel appearing on behalf of the petitioners in Crl.O.P.Nos.20848 of 2016 and Crl.O.P.Nos.12120 & 26589 of 2019 that while filing an application seeking for recalling of the non-bailable warrant, an order came to be passed by the learned Judicial Magistrate, Tambaram in C.M.P.No.3370 of 2014 in C.C.No.163 of 2011 dated 21.05.2014, directing the petitioners to deposit a sum of



Rs.2,00,000/- (Rupees Two lakhs only) and it is stated that the petitioners have also complied with the same and the said sum of Rs.2,00,000/- now remains in deposit before the learned Judicial Magistrate, Tambaram. The respondents have no objection for allowing the petitioners to withdraw the aforesaid amount of Rs.2,00,000/- and accordingly, the petitioners in Crl.O.P.Nos.20848 of 2016 and Crl.O.P.Nos.12120 & 26589 of 2019 are hereby permitted to withdraw the aforesaid amount of Rs.2,00,000/- by making an appropriate application before the learned Judicial Magistrate, Tambaram.

9. In view of the amicable settlement arrived at between the parties and the observations made by this Court, the prayer sought for by them, the proceedings in C.C.No.427 of 2015 on the file of the learned Judicial Magistrate, Tambaram; FIR No.28 of 2017 on the file of the first respondent therein; the warrant of arrest dated 18.02.2015 passed in M.P.No.809 of 2013 in M.C.No.93 of 2010 on the file of the learned I Additional Family Judge, Chennai and C.C.No.163 of 2011 on the file of the learned Judicial Magistrate, Tambaram shall stand quashed. Consequently, the Criminal Original Petitions viz., Crl.O.P.Nos.20848 of 2016, Crl.O.P.Nos.9171, 12120 & 26589 of 2019 are allowed. Connected Miscellaneous Petitions are closed.

10. In view of the quashing of these proceedings, all Non Bailable Warrants or Proclamation Orders or Look Out Circulars opened/issued in connection with the aforesaid criminal proceedings shall be deemed to have elapsed.

Sd/-
Asst.Registrar (CS V)

/true copy/
Sub Asst. Registrar

DP/sts
To

- 1.The I Additional Judge Family Court,
Chennai.
- 2.The Judicial Magistrate,
Tambaram.



3.The Inspector of Police,
W-35, All Women Police Station,
Tambaram,
Chennai-600 045.

WEB COPY

4.The Public Prosecutor,
High Court, Madras.

5.The Manager
Indian Bank
Mesapakkam Branch
Chennai

+1 cc to M/s.N.Nithianandam Advcoate sr 103523

Crl.OP No.20848 of 2016
and
Crl.O.P.Nos.9171, 12120 & 26589 of 2019
& Crl.MP.No.9674 of 2016 and
Crl.M.P.Nos.14217, 14244, 4852, 6292 & 6310 of 2019

aa03/01/2019