



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/08/2019

PRESENT

WEB COPY

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9626 of 2019

1. S.M.Abdul Gaffarkhan
2. M.S.Sabura Fathima

... Petitioners/Accused
Rank not known

Vs

The State rep.by through,
The Inspector of Police,
All Woman Police Station
Tenkasi, Tirunelveli District,
(Crime No.Not Known of 2019).

... Respondent/Complainant

S.Begam Bareedhul Kishore

... Intervening Petitioner/
Proposed 2nd Respondent
in Crl.MP(MD)No.6327/2019

For Petitioner : M/s.T.S.Mohamed Mohideen,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

For Intervenor : MR.R.J.KARTHICK, Advocate

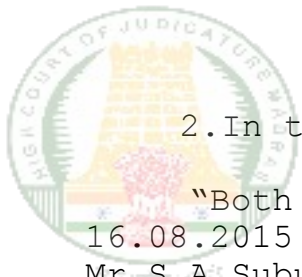
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.Not known of 2019 on the
file of the Respondent police.

ORDER : The Court Made the following order :-

In the report received from the Mediation and Conciliation
Centre of this Court, it is stated that the matter has been settled
and also enclosed a joint compromise memo.



2. In the said joint compromise memo, it is stated as follows;

"Both the parties states that the second respondent herein on 16.08.2015 got married to the petitioner's son namely Mr.S.A.Subuhaathullah. The petitioners herein are father and mother in law of the second respondent herein. Due to wedlock, the second and third respondent herein are blessed with a boy child namely Aatik aged 3 years. Due to rift and constraints in the matrimonial life, the second respondent lived with her parents. The second respondent 's husband namely Mr.S.A.Subuhathullah had divorced the second respondent herein by issuing a Talak notice dated 16.07.2018. Thereafter, on 20.06.2019, the second respondent's husband married another girl namely Mohamudha Rinosa daughter of Mohammed Ayub and presently Subahathulla is working at Qatar. Hence, the second respondent herein was constrained to prefer a complaint dated 02.07.2019 before the first respondent police and the same was taken on file in C.S.R.No.373 of 2019. Apprehending arrest on the hands of the respondent police, the petitioners filed the above anticipatory bail petition in Crl.O.P.(MD).No.9626 of 2019 before this Hon'ble Court. By order dated 16.07.2019, the above petition was referred to the Mediation and Conciliation Centre. At this juncture, both the parties agreed to compromise their dispute on the following terms:

a) The second respondent wife hereby accepts the divorce and Talak notice dated 16.07.2019 issued by her husband namely Mr.S.A.Subuhathullah. Both the second respondent wife and her husband Mr.S.A.Subuhathullah agrees that their marriage dated 16.08.2015 is dissolved.

b) The second respondent herein has received a Demand Draft in D.D.No.648410 dated 26.07.2019 for a sum of Rs.10,00,000/- drawn in State Bank of India, Kadayanallur Branch towards her claim of maintenance to her and her minor son and there will not be any claim or right over the properties of Mr.S.A.Subuhathullah in future for herself alone.

c) The minor child namely S.Aatik is in the custody of the second respondent wife herein. The husband namely Mr.S.A.Subuhathullah agrees that the second respondent herein is the guardian of their child and waives the right of guardianship over the child, accepting the request of the second respondent wife.

d) Mr.S.A.Subuhathullah agrees that he won't disturb the second respondent herein in any manner, as his marriage is got dissolved and same way the second respondent assures that she will not disturb the petitioners.

e) the second respondent herein agrees to withdraw the case which was pending in C.S.R.No.133/2018 on the file of AWPS, Sankarankovil and C.S.R.No.373 of 2019 on the file of AWPS, Tenkasi.



The issue pending before the Social Welfare Office, Tirunelveli can also be closed.

f)Both the parties agree that there shall not be any mutual claims between them hereafter."

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3.The learned Government Advocate (Crl. Side) appearing for the respondent Police has submitted that based on the complaint given by the defacto complainant, petition enquiry has been conducted in C.S.R.No.373 of 2019 and thereafter, the same has been closed.

4.Recording the submission made by the learned Government Advocate (Crl. Side) and considering the aforesaid compromise memo, this criminal original petition is closed.

sd/-

14/08/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE INSPECTOR OF POLICE
ALL WOMAN POLICE STATION
TENKASI, TIRUNELVELI DISTRICT,
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

- +1. CC to M/S.T.S.MOHAMED MOHIDEEN, Advocate SR.No.81848(F)
+1. CC to M/S.R.J.KARTHICK, Advocate SR.No.13558

ORDER

IN

CRL OP(MD) No.9626 of 2019

Date :14/08/2019

VSG

PK/PN/SAR-2/22.08.2019 : 3P/5C