



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.OP (MD) No.3526 of 2018

N.Syeda Sabiha Fathima

... Petitioner

Vs

1.State through

The All Women Police Station,
Contonment,
Trichy.

2.Syed Wali Peeran

3.Syed Taj Peeran

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records of the witness summons in C.C.No.90 of 2009 on the file of the Judicial Magistrate No.II, Tiruchirapalli and quash the same.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.K.Suyambulinga Bharathi,
G.A. (Crl. Side) for R1
No Appearance for RR2 and 3

O R D E R

This petition has been filed to quash the witness summons in C.C.No.90 of 2009 on the file of the Judicial Magistrate No.II, Tiruchirapalli.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the defacto complainant and the dispute between the petitioner and the respondents 2 and 3 relates to their family dispute. In this regard, already, they have come forward with a settlement before the Mediation Centre and also, they have entered into an agreement, which reads as follows:

"7. In view of the subsisting matrimonial dispute between the first revision petitioner/first defendant and the respondent/plaintiff and since the respondent/plaintiff has initiated various forms of litigation in different forums, according to them, it is an irretrievable breakdown of the said marriage and

<https://hcservices.ecourts.gov.in/services/> with the object of Mediation and



Conciliation to settle the subsisting matrimonial dispute, they have jointly entered into a memorandum of compromise on the following mutual terms and conditions and the same reads as follows:-

"a. The first petitioner and the respondent hereby mutually agree to dissolve their marriage dated 10.08.2008.

b. The petitioners conceded and agreed to give consent for dissolution of marriage of the first petitioner and the respondent held on 10.08.2008 in O.S.No.1018 of 2009 filed by the respondent against the petitioners before the District Munsif Court, Tiruchirapalli without admitting the allegations and to this effect they will file a submit to decree memo.

c. The respondent withdraws all her allegations against the petitioners without prejudice to her right of divorce in O.S.No.1018 of 2009 filed by the respondent against the petitioners before the District Munsif Court, Tiruchirapalli.

d. The respondent shall withdraw the following cases filed against the petitioners and their family members, within a period of two weeks from the date of this "Joint Memo of Compromise".

i) Crl.M.P.No.5017 of 2008 in DVC No.165 of 2008 on the file of the Judicial Magistrate No.II filed by the respondent against petitioners 1 and 2 and their family members namely Syeda Alia Begum, Syed Ali Peeran, Syeda Thahira Dawood and Syed Dawood.

ii) C.C.No.90 of 2009 filed by the respondent against the petitioners 1 and 2 and their family members namely Syeda Alia Begum, Syed Ali Peeran, Syeda Thahira Dawood and Syed Dawood.

iii) Maintenance Claim Petition bearing M.C.No.80 of 2012 filed by the respondent against the first petitioner before the Chief Judicial Magistrate, Tiruchirapalli.

iv) C.R.P(MD)No.31 of 2013 filed by the respondent against the petitioners before the Honourable High Court of Madras, Madurai Bench at Madurai.

e. The petitioners shall withdraw the following cases filed against the respondent within a period of two weeks from the date of this "Joint Memo of Compromise".



i) Crl.O.P.No.22340 of 2013 filed by the petitioners seeking to quash the above Crl.M.P.No.5017 of 2008 in DVC No.165 of 2008.

ii) Crl.O.P.No.5031 of 20099 filed by the petitioners 1 and 2 and their above said family members seeking to quash C.C.No.90 of 2009 on the file of the Judicial Magistrate No.II, Tiruchirapalli.

iii) O.S.No.83 of 2013 filed by the first petitioner against the respondent seeking for restitution of conjugal rights before the Family Court, Madurai.

f) The petitioners and the respondent shall file necessary affidavit in Crl.O.P.No.22340 of 2013 and Crl.O.P.No.5031 of 2009 and quash the respective cases.

g) The respondent hereby declares that she has no claims, complaints or grievances of any sort, against the petitioners and their said family members in view of the above said Joint Memo of Compromise and she hereby withdraws all claims, complaints and grievances including monetary claims, jewellery claims etc., made against the petitioners and their family members and she will not pursue the same, any further in any manner whatsoever either directly or indirectly.

h) The petitioners and their family members hereby declare that they have no claims, complaints or grievances of any sort against the respondent and their family members in view of the above said Joint Memo of Compromise the petitioners and their said family members hereby withdraw all claims, complaints and grievances including monetary claims, jewellery claims etc., made against the respondent and their family members and they will not pursue the same any further in any manner whatsoever either directly or indirectly.

i) The respondent hereby undertakes not to execute any warrant of arrest either bailable or non-bailable issued against the petitioners and their family members by the Honourable Courts at her instance and shall take appropriate steps to withdraw all the connected criminal cases within the time stipulated in this Joint Memo of Compromise.



j) Since the first petitioner is conducting all the proceedings through his father ie., the second petitioner, the first petitioner have to give consent letter in writing by agreeing and accepting this terms of compromise to the respondent directly by post and email and also handover a copy in original to the respondent's Counsel at the time of hearing of CrI.O.P.No.22340 of 2013 and CrI.O.P.No.5031 of 2009.

k) The petitioners and the respondent are entitled to settle their respective life independently by choosing their own spouses as per their wishes and they have no bar for the same.

l) The petitioners and the respondent herein mutually agree and consent to record this Joint Memo of Compromise in the above proceedings before this Honourable Court and they undertake to abide by the same, in order to settle the matrimonial dispute subsisting between them amicably."

3.Recording the above agreement between the parties, this Court is of the view that the pendency of C.C.No.90 of 2009 would not serve any purpose.

4.Accordingly, this criminal original petition is allowed and the witness summons as well as the proceedings in C.C.No.90 of 2009 on the file of the Judicial Magistrate No.II, Tiruchirapalli is quashed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The All Women Police Station,
Contonment,

Trichy.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Judicial Magistrate No.II,
Trichy.

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

+1 CC to M/s.A.HAJAMOHIDEEN, Advocate (SR-86710[F] dated
13/09/2019)

Order made in
CRL.OP (MD) No.3526 of 2018
13.09.2019

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