

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.11971 & 13412 of 2015
and M.P.Nos.1, 1, 2, 1361 & 5401 of 2015

1.P.M.Raja Rajan,
S/o.Mangayarkarasi

2.Mangayarkarasi,
D/o.K.PitchaiPetitioners in both Petitions

Versus

The State rep. by
The Inspector of Police,
W-29, All Women Police Station,
Avadi,
Thiruvalluvar District.
(Crime No.16/2014)

....1st Respondent in
Crl.OP.No.11971 of 2015

J.A.Rashmi,
W/o.P.M.Rajarajan
in

....2nd Respondent
Crl.OP 11971/15 &
Respondent in WP 13412/15

Prayer in Crl.O.P.No.11971 of 2015 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.41 of 2015 on the file of the learned Judicial Magistrate No.I, Poonamalle in Crime No.16 of 2014 on the file the Inspector of Police, W-29 All Women Police Station, Avadi, Thiruvalluvar District against the petitioner and quash the same.

Prayer in Crl.O.P.No.13412 of 2015 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records appearance of the petitioners in Crl.M.P.No.6 of 2015 on the file of the District Munsif Cum Judicial Magistrate, Thirukkalukundram and quash the same.

For Crl.OP.No.11971 of 2015

For Petitioners : Mr.R.Muniyapparaj

For Respondent : Mr.C.Iyyappa Raj

Additional Public Proecutor

For Crl.OP.No.13412 of 2015

For Petitioners	:	Mr.R.Muniyapparaj
For R1	:	Mr.C.Iyyappa Raj
		Additional Public Proecutor
For R2	:	Mr.G.Magesh Kumar

O R D E R

These petitions have been filed to quash the proceedings in C.C.No.41 of 2015, on the file of the learned Judicial Magistrate No.I, Poonamalle in Crime No.16 of 2014 on the file the Inspector of Police, W-29 All Women Police Station, Avadi, Thiruvalluvar District and to quash the proceedings in Crl.M.P.No.6 of 2015 on the file of the District Munsif Cum Judicial Magistrate, Thirukkalukundram.

2. The learned counsel for the petitioners and the respondent/defacto complainant filed a joint memo of compromise, which is extracted hereunder:

"1. The first petitioner and the respondent/defacto complainant in the husband and wife and threir marriage between them was solemnized at Multi-purpose Hall, DAE Towship, Kalpakkam, Thirukazhukundram Taluk, Chengalpattu District on 16.04.2012 as per Hindu rites and customs as arranged by the elders of both the family.

2.Due to the difference of opinions, the first petitioner and the respondent decided to part ways from each other by way of divorce by mutual consent and in view of the minor daughter aforementioned, the first petitioner herein is agreed to pay permanent alimony cum full settlement to the tune of Rs.18,00,000/- (Rupees Eighteen Lakhs) and the same will be paid in three instalments as follows:

(a) On 26.09.2020, first instalment of Rs.7,50,000/- paid by the petitioner to the respondent herein vide Demand Draft dated 25.09.2020 bearing No.429589 drawn at Indian Bank, Sterling Branch, Chennai.

(b) Second instalment of Rs.7,50,000/- at the time of second hearing of the divorce petition i.e after the cooling period of 6 months since the date of first hearing. This second instalment will be paid even the first petitioner and the respondent (the petitioners in the divorce petition) not let in any evidence before the Court in the divorce petition.

(c) Third instalment of Rs.3,00,000/- at the time when the first petitioner and the respondent (the petitioners in the divorce petition) herein let in evidence before concerned Court in the divorce petition.

(d) In case, the first petitioner herein pays the respondent the second and third instalments together at the time of second hearing of the divorce petition i.e after the cooling period of 6 months, the first petitioner and the respondent (the petitioners in the divorce petition) will give evidence in the same date for the mutual consent divorce.

(e) The above payment of permanent alimony cum full settlement binds the minor child as well as the respondent and there is no other further claims in any terms against the first petitioner herein.

3. The petitioners and the respondent submit that apart from the above terms, the petitioners and the respondent will not claim any properties or money against each other. The term between the petitioners and the respondent is that after decreeing divorce, the petitioners and the respondent herein would not contact each other in any manner. The parties herein will not initiate any further claim or action in any Court, Tribunal or authorities including Police Station in any regard. In case of any breach of the above conditions, the parties are at liberty to renew their cases respectively. It is therefore prayed that this Court may be pleased to allow the original petition as prayed for."

3. In view of the same, the proceedings in C.C.No.41 of 2015, on the file of the learned Judicial Magistrate No.I, Poonamalle in Crime No.16 of 2014 on the file the Inspector of Police, W-29 All Women Police Station, Avadi, Thiruvalluvar District and proceedings in CrI.M.P.No.6 of 2015 on the file of

the District Munsif Cum Judicial Magistrate, Thirukkalukundram are quashed in terms of the Joint Memorandum of Compromise entered between the parties and the above Joint Memorandum of Compromise shall form part of the order.

4. Accordingly, these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Judicial Magistrate No.I,
Poonamalle.
- 2.The Chief Judicial Magistrate, Tiruvallur.
- 3.The District Munsif Cum Judicial Magistrate,
Thirukkalukundram.
- 4.The Chief Judicial Magistrate, Kancheepuram.
- 5.The Inspector of Police,
W-29, All Women Police Station,
Avadi,
Thiruvalluvar District.
- 6.The Public Prosecutor,
Madras High Court.

Cr1.O.P.Nos.11971 & 13412 of 2015

SSI (CO)
KKV/29/10/2020

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