



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

Monday, the Thirty First day of August Two Thousand and Twenty

WEB COPY

PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.8398 of 2020

1 SUSILKANTH
2 SUNDAR SING

... PETITIONERS/ACCUSED 1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THOOTHOUKUDI.
(CRIME NO.23/2020)

... RESPONDENT/COMPLAINANT

O.R.HANNAH ROBERTS

... PETITIONER/INTERVENER

For Petitioners: M/s.VEERA KATHIRAVAN, Senior Counsel for
M/S.VEERA ASSOCIATES Advocate

For Respondent : M/s.A.ROBINSON, Govt. Advocate (Crl. Side)

For Intervener : Mr.ISSAC MOHANLAL, Senior Counsel
for ISSAC CHAMBERS

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2 in Cr.No.23 of 2020 on the file of respondent police, have filed the present anticipatory bail petition, apprehending arrest for the offence under Sections 498 A and 406 of IPC.

2.Pending hearing the learned Senior counsel for the petitioners as well as the Senior counsel representing the defacto complainant proposed to mediate the issue between the petitioners and the defacto complainant and accordingly, on their best efforts,

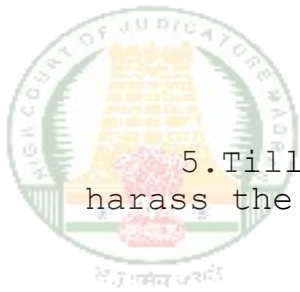
<https://hcservices.ecourts.gov.in/hcservices/>



the dispute between the petitioners and the defacto complainant has been amicably solved on certain terms. Pursuant to the same, a joint memo of compromise is also filed before this Court. The terms of compromise reads as follows:

- i. The petitioners and the 2nd respondent are signing this Memo of Compromise with free will and without any coercion and compulsion from others.
- ii. Today (23.08.2020), all the belongings (except the Gold Jewels) of the respective parties i.e., the 1st petitioner and the 2nd respondent, were handed over to them in the presence of the respective counsels, and the parties acknowledge the receipt of the same and also agree that there shall not be any future monetary claim or any other claim between them.
- iii. The petitioner agrees to return back Forty soverings of Gold jewels of the 2nd respondent to her and the 2nd respondent agrees to return back 14 sovereigns of Gold jewels to the 1st petitioner on the date of presentation of the petition on 4th September 2020, to be filed by both the parties seeking for Divorce by Mutual consent.
- iv. The 1st petitioner and the 2nd respondent agree not to proceed with any further litigants by filing any other civil or criminal claims against each other in any form and the 2nd respondent agree not to file any petition for maintenance or any petition under Protection of Women from Domestic Violence Act.
- v. The 1st petitioner agrees to withdraw unconditionally the I.D.O.P.No.572 of 2020 filed against the 2nd respondent, pending on the file of the Family Court, Thoothukudi seeking for restitution of conjugal rights.
- vi. In view of the present Joint Compromise Memo, the 2nd respondent hereby concedes not to proceed further with the FIR in Crime No.23 of 2020 pending on the file of the 1st respondent.
- vii. The 1st petitioner and the 2nd respondent mutually agree to file an application for Divorce by Mutual consent before the Family Court at Thoothukudi, on Friday, the 4th of September 2020."

3. The said Joint Compromise Memo is recorded. In view of the further developments between the petitioners and the defacto complainant and also considering the fact that the matter is also arising out of matrimonial dispute, this Criminal Original Petition is disposed of, with a direction to the respondent police to conduct the investigation in accordance with the joint compromise memo filed before this Court and to file a final report, within a period of 2 months from the date of receipt of a copy of this order.



5. Till such time, the respondent police shall not arrest and harass the petitioners.

sd/-

31/08/2020

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/ /2020

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THOOTHOUKUDI.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.ISAAC CHAMBERS, (SR-6173[I] dated 31/08/2020)
+1 CC to M/s.VEERA ASSOCIATES, (SR-6191[I] dated 01/09/2020)

ORDER

IN

CRL OP(MD) No.8398 of 2020

Date :31/08/2020

TM

TE/AKM/SAR-II : 02/09/2020 : 3P/5C