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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:01.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD).No.13906 of 2016
and
Crl.M.P.(MD).No.6480 of 2016

1.S.Vijay Anand
2.V.Srinivasan ... Petitioners

Vs

1.State through,
The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai City,
Madurai District.

2.Sheela Vijay Anand ... Respondents.

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No.14 of 2016 pending before the respondent Police concerning the petitioner and quash the same.

For Petitioners : Mr.T.K.Gopalan
For R1 : Mr.KR.Bharathi Kannan
Government Advocate (Crl. Side)
For R2 : Mr.S.Muniyandi

ORDER

This criminal original petition has been filed to quash the proceedings in Crime No.14 of 2016 pending before the first respondent Police, as against the petitioners.

2.The learned counsel appearing for the petitioners as well as the second respondent submitted that the entire matter has been settled between the parties and they also entered into joint compromise and filed a memo to that effect. Therefore he prayed for quashment of the proceedings.

3.A copy of the Joint Compromise memo has been filed before this Court, which have been duly signed by the defacto complainant and the petitioners/accused and also by their respective counsel stating that the dispute is amicably settled between the parties and the defacto complainant and the joint compromise memo is extracted hereunder:-

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1.It is submitted that the defacto complainant / 2nd respondent Mrs.T.Sheela herein and the 1st petitioner/accused Mr.Vijay Anand got married on 22-1-2007 and begot minor V.Kavinvel The defacto complainant / 2nd respondent and husband 1st petitioner got separated for the past 4 years. The petitioner is now working at Florida USA The defacto complainant/2nd respondent along with her minor son is residing at Chennai and working as Software engineer in a reputed concern. The defacto complainant / 2nd respondent filed maintenance case in MC No.172/2019 before the family Court Madurai. Prior to that the 1st petitioner filed divorce petition in HMOP No.272/2016 before the sub Court Madurai. As the defacto complainant/2nd respondent relinquish her right to maintenance, the elders of both family during compromise talks with the 2nd petitioner Mr.V.Srinivasan as the father and registered power agent of the 1st petitioner. It was decided that the 1st petitioner has to give an amount of Rs.50,00,000/-(Rupees Fifty lakhs) as permanent maintenance to the minor V.Kavinvel with the agreement that the amount has to be deposited in fixed deposit in any nationalized bank chosen by the defacto complainant / 2nd respondent with the right to withdraw accumulated monthly interest to be spend for the maintenance of minor son V.Kavinvel. Further as per separate joint memo filed by the defacto complainant / 2nd respondent and the above said 2nd petitioners/accused V.Srinivasan befor the Family Court Madurai. The 2nd petitioner/accused V.Srinivasan deposited a cheque for Rs.50,00,000(Fifty lakhs) drawn on ICICI Bank Tallakulam branch Madurai with the liberty to the defacto complainant/2nd respondent to claim the same from the family court Madurai after the disposal this quash petition and also divorce petition in HMOP No./2020 and MC No. 172/2019 pending before the family court.

2.It is further submitted that as per the compromise the 1st petitioner S.Vijay Anand appointed his father Mr.V.Srinivasan giving special power to execute a settlement deed concerning his half share in plot house situated at Siruseri which is now in possession and enjoyment of defacto complainant / 2nd respondent herein in favour the defaco complainant / 2nd respondent conferring the absolute ownership concerning the above said plot house. As agreed the 2nd petitioner and the power agent of the 1st petitioner executed the settlement deed duly on stamp papers and produce the same before the Sub Court Madurai to be received by the defaco complainant /2nd respondent T.Sheela after completion of divorce petition paving the way for both parties to lead her separated peaceful life chosen independently by each other parties.

1. The 2nd petitioner V.Srinivasan under taken to cooperate with the defacto complainant / 2nd respondent to get a executed settlement deed deposited in family court Madurai registered duly in concern register office at Chenai.

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2. It is further submitted all along the 2nd petitioner in this quash petition is representing in all legal proceedings the 2nd petitioner and his daughters who are in USA and UK for more than twenty years.
3. In this circumstances the defacto complainant / 2nd respondent and the petitioners in the quash petition and also other two accused mentioned in the FIR settled their disputes amicably and hence through this joint memo the defacto complainant 2nd respondent submits her consent before this Honourable Court to quash the FIR in Crime No.14/2016 on the file of the 1st respondent police Tallakulam All Women Police Station Madurai against all accused including the petitioner and thus render justice.
4. It is further submitted that the defacto complainant / 2nd respondent not press in Crl OP (MD)No.21979/2016

4.Recording the said compromise, this Criminal Original Petition stands allowed and the proceedings in Crime No.14 of 2016, on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, the connected criminal miscellaneous petition is closed.

Sd/
Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar(CS-)

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.

Encl : Joint Compromise Memo dated 27.11.2020

To:

1.The Inspector of Police, All Women Police Station,
Tallakulam, Madurai City, Madurai District.

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

+1 cc to Mr.T.K.Gopalan, Advocate in Sr no.23817

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