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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No.15773 of 2019

and

Crl.M.P(MD) Nos.9358 of 2019

Rajeswari

... Petitioner/Accused No.I

Vs.

1.State Rep. by

The Inspector of Police,
Bodinayakanur Taluk Police Station,
Theni District
(Crime No.318/2016)

... 1st Respondent/Complainant

2.Vasudevan

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., praying to call for the records relating to the charge sheet in C.C.No.100 of 2019, pending on the file of the Judicial Magistrate, Bodinayakanur and quash the same as illegal in respect of petitioner/A1.

For Petitioner	: Mr.V.Thirumal
For R1	: Mr.S.Chandarasekar Additional Public Prosecutor
For R2	: Mr.N.Muniraj

O R D E R

This petition has been filed to quash the proceedings in C.C.No.100 of 2019, pending on the file of the Judicial Magistrate, Bodinayakanur.

2.The learned Counsel for both parties would submit that the matter was referred to the Mediation and Conciliation Centre and that both parties have amicably settled the disputes and compromised the matter and thereby, would pray that no useful purpose would be served by keeping the proceedings before the lower court pending.

3.A report, dated 24.02.2020 has been received from the Mediation and Conciliation Centre attached to this bench, in which it has recorded that the matter has been settled between the parties. The settlement agreement is extracted hereunder:

*"1.Disputes and differences had arisen
between the parties hereto and the criminal
original petition in Crl.O.P.(MD).No.15773 of 2019*



was filed on 18.10.2019 before this Court.

2.The matter was referred to Mediation/Conciliation vide an order dated 09.12.2019 passed by this court.

3.The parties agreed that Mr.V.Jeyapragash would act as their Mediator/Conciliator.

4.Several meetings were held during the process of Mediation/Conciliation from 16.12.2019 to 24.02.2020 and the parties have with the assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

5.the parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this settlement agreement in the presence of the Mediator/Conciliator.

6.The following settlement has been arrived at between the parties hereto:

a)the second respondent/husband agreed to withdraw C.C.No.100/2019 on the file of the learned Judicial Magistrate, Bodinayakanur, Theni District and given consent to allow quash petition in Crl.O.P. (MD)No.15773 of 2019, on the file of this Court, Madurai Bench.

b)The petitioner/wife agreed to given consent for divorce in HMOP No.653 of 2017, on the file of the Family Court, Madurai and the second respondent/husband agreed to not press the allegation against the petitioner in the Divorce petition.

c)The second respondent agreed to withdraw GWOP No.11 of 2017, on the file of the Family Court, Madurai.

d)The petitioner agreed to withdraw HMOP No.753 of 2016 and M.C.No.145 of 2016, on the file of the Family Court, Madurai.

e)The second respondent agreed to maintain their children Minor.Harikanth and Minor.Lingnath in his personal custody for their developments and to meet out all expenses for the minor children.

f)The petitioner agreed that she will not disturb or to file any petition regarding the minor children in future and the second respondent agreed that he will not claim any right from the petitioner through minor children

g)The second respondent agreed to pay Rs.5,00,000/- (Rupees Five Lakhs only) for the maintenance of petitioner, for her future livelihood.



h)The petitioner agreed to receive Rs.5,00,000/0 (Rupees Five Lakhs Only) from the second respondent for her maintenance. Further, the petitioner agreed that she will not claim any maintenance in future from the second respondent.

i)The second respondent agreed to return 71/2 sovereigns of jewels and household articles to the petitioner.

j)The petitioner and the second respondent agreed that they will not create any dispute or to file any petition before any forum regarding subject of matter of this issue in future.

k)The petitioner and the second respondent agreed that they will not be disturbed for their future life.

L.The petitioner and the second respondent agreed to co-operate the Lower Court proceedings to settle the dispute amicably.

As per the above terms, on 03.02.2020, the second respondent has given 71/2 sovereigns of jewels and Rs.1,00,000/- (Rupees one lakh only) out of Rs.5,00,000/- (Rupees Five Lakhs only) to the petitioner (D.D.No.234582, SBI Bodinayakanur, Theni District, dated 30.01.2020). The petitioner has received 71/2 sovereigns of jewels and Rs.1,00,000/- (Rupees One Lakh only-D.D.No.234582 SBI, Bodinayakanur, dated 30.01.2020) from the second respondent.

For further payment of Rs.4,00,000/- (Rupees four lakhs only), the second respondent agreed to pay on or before 12.03.2020 and to get receipt from the petitioner to that effect and the petitioner is also agreed to accept the same. In further, if there is any default in payment of Rs.4,00,000/- (Rupees Four Lakhs only) by the second respondent will be cancelled automatically and term and condition of the agreement will not binding the parties.

The second respondent herein returned the household articles to the petitioner on 15.02.2020 and the same was received by the petitioner."

4.The petitioner and the second respondent have amicably settled their disputes before the Mediation and Conciliation Centre. In view of the above, no useful purpose will be served in keeping the trial in C.C.No.100 of 2019, pending on the file of the Judicial Magistrate, Bodinayakanur. Hence, the proceedings in C.C.No.100 of 2019, on the file of the Judicial Magistrate, Bodinayakanur, is hereby quashed.



5. Accordingly, this Criminal Original Petition stands allowed and the settlement agreement between the parties shall form part of this order. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

Encl.: Xerox Copy of settlement agreement

To

1.The Judicial Magistrate, Bodinayakanur.

2.The Inspector of Police,
Bodinayakanur Taluk Police Station,
Theni District.

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

+2 CC to M/s.V.THIRUMAL, Advocate (SR-8858[F] dated 27/02/2020)

+1 CC to M/s.N.MUNIRAJ, Advocate (SR-8861[F] dated 27/02/2020)

Crl.O.P.(MD).No.15773 of 2019

and

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MK (22.06.2020) 4P 7C