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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MR.JUSTICE R.PONGIAPPAN

W.P.No.23979 of 2018

S.Kanchana Devi

... Petitioner

Vs

1.The Secretary,
Bar Council of Tamil Nadu and Puducherry,
Chennai - 600 104.

2.The Commissioner of Police,
Greater Chennai City Police Vepery,
Chennai - 600 007.

3.The Inspector of Police,
Whashermanpet (AWPS) Police Station,
Chennai - 600021.

4.M.Muthukumaran

5.K.Jayathi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, directing the Respondents 1 to 3 to take necessary action against the 4th Respondent.

For Petitioner : Mr.K.Eswar

For Respondents : Mr.C.K.Chandrasekaran for R1.

Mr.J.C.Durai raj, Government Advocate
(Crl.Side) for R2 & R3.

Mr.S.N.Parthasarathy for R4.
K.Jayanthi-party in person R5



O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".

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2.The Petitioner who is the wife of the Fourth Respondent has come before this Court seeking Writ of Mandamus directing the First to Third Respondents to take action against the Fourth Respondent/Husband, who is an Advocate for alleged extra marital relationship with the Fifth Respondent.

3.It is seen from the records that the marriage between the Petitioner and the Fourth Respondent was solemnized on 22.04.2015 and out of the wedlock, a girl child was born named Riyanshi. Since after marriage, disputes arose between the parties, the Fourth Respondent has filed an H.M.O.P. No. 4011 of 2018 before V Additional Family Court, Chennai against the Petitioner herein for divorce for dissolving the marriage dated 22.04.2015 solemnized between the Petitioner and the Fourth Respondent and the same is pending. However, the Petitioner submits that she is the legally wedded wife of the Fourth Respondent and she claims that her husband/Fourth Respondent is having extra marital relationship with the Fifth Respondent and in this regard, she has given a complaint before the Bar Council of Tamil Nadu and Puducherry, as he is an Advocate to take action against him. Since no action has been taken, the Petitioner has come before this Court.

4.It is also brought to the notice of this Court that the Petitioner has already filed a complaint with the police, on the ground of cruelty against the Fourth Respondent/Husband, his mother and his sister and the said complaint has been taken on file in C.C. No. 956 of 2019 pending on the file of the XV Metropolitan Magistrate Court, George Town, Chennai. When the matter has came up before this Court in the last hearing, this Court has suggested the parties to settle the matter as it is a family dispute.

5.When the matter is called today, the Petitioner as well as the Fourth and Fifth Respondents are present before this Court. The Petitioner has categorically stated that she does not want to live with the Fourth Respondent and the Fourth Respondent also stated that he is not interested in living with the Petitioner and both of them decided to part with, for a sum of Rs.25,00,000/- as alimony payable by the Fourth Respondent to the Petitioner. Further, a memo of compromise dated 19.08.2021, signed by the Petitioner and the Fourth Respondent and counter signed by their respective Counsel, has been filed before this Court stating that the Petitioner and the Fourth Respondent agreed for divorce by mutual consent on payment of



Rs.25,00,000/- as alimony by the Fourth Respondent in favour of the Petitioner and her daughter through Demand Drafts.

6. In view of the categorical statement made by the parties, there is no point in keeping the matters pending, i.e., H.M.O.P. No. 4011 of 2018 filed by the Fourth Respondent for divorce, a criminal case filed at the instance of the Petitioner against the Fourth Respondent and his family members, the complaint filed before Bar Council of Tamil Nadu and Puducherry in D.C.C.No.31 of 2021 and this Writ Petition.

7. In the above circumstances and in view of the settlement reached between the parties, this Court, suo motu, by invoking Article 227 of the Constitution and Section 151 of Civil Procedure Code and Section 482 of Criminal Procedure Code withdraws H.M.O.P. No. 4011 of 2018 on the file of the V Additional Family Court, Chennai and grants a decree of divorce, dissolving the marriage dated 22.04.2015 and further the case in C.C. No. 956 of 2019 on the file of the XV Metropolitan Magistrate Court, George Town, Chennai is quashed and the proceedings in D.C. No. 31 of 2021 pending on the file of the Bar Council of Tamil Nadu is also hereby quashed.

8. With the above directions, this Writ Petition is disposed of. No costs. The Memo of Compromise shall form a part of the order.

*Xerox copy of the Memo of Compromise enclosed

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Maya/ay

To

1. The Secretary,
Bar Council of Tamil Nadu and Puducherry,
Chennai - 600 104.

2. The Commissioner of Police,
Greater Chennai City Police Vepery,
Chennai - 600 007.



3.The Inspector of Police,
Whashermanpet (AWPS) Police Station,
Chennai - 600021.

4.The XV Metropolitan Magistrate,
George Town,
Chennai.

5.The V Additional Family Court,
Chennai.

Copy to:

1.The Assistant Registrar
AE Main Section,
High Court, Madras.

2.The Assistant Registrar,
Criminal Section,
High Court, Madras.

W.P.No.23979 of 2018

SPD(CO)
CB(06/10/2021)