

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.14572 of 2014
and Crl.O.P.No.11246 of 2015
and M.P.Nos.1 of 2014 & 1 of 2015

1.C.N.Prasad
S/o.C.P.Niranjan ... 1st Petitioner in both the Petition /
Respondents

2.C.P.Niranjan
S/o.Purushothaman

3.Rajeswarai
W/o.C.P.Niranjan
All are residing at
No.6/40, Annadhanam Chathiram Street
Renikunda, Chittoor District
Andhra Pradesh - 517 520

4.Hemamalini
D/o.C.P.Niranjan
No.9-349, Lingeshwar Nagar
Sainagar, Tirupathi Rural
Chittoor,
Andhra Pradesh - 517 507 ...Petitioners 2 to 4 in
Crl.O.P.No.14572 of 2014/Respondents

Vs.

1.The Protection Officer
District Social Welfare Office
No.43/2, Second Street
Vandavasi Road
Kancheepuram

2.P.Thenmozhi
W/o.C.N.Prasad
No.9/17, Thadikkara Swamy Koil Street
Alandur, Chennai - 600 016 ...Respondents
in both petitions/Petitioner

Prayer in Crl.O.P.No.14572 of 2014: Criminal Original Petition
filed under Section 482 Cr.P.C. to call for the records of the
proceedings in C.M.P.No.1088 of 2014 on the file of the
Judicial Magistrate Court, Alandur, Chennai and quash the same
as illegal.

Prayer in Crl.O.P.No.11246 of 2015: Criminal Original Petition
filed under Section 407 Cr.P.C. to withdraw C.M.P.No.1088 of

2014 pending on the file of the Judicial Magistrate Court, Alandur, Chennai and transfer it to the file of the I Additional Family Court, Chennai, to be tried along with F.C.O.P.No.314 of 2015.

For Petitioners
in both petitions: Mr.N.Naganathan

For R1
in both petitions: Mr.S.Karthikeyan
Additional Public Prosecutor

For R2
in both petitions: Mr.V.Purushothaman

COMMON ORDER

When the matter was taken up for hearing, the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent submitted that the matter has been amicably settled between the parties in the mediation and the second respondent/wife has agreed to receive a sum of Rs.10,00,000/- as permanent alimony, towards which, a sum of Rs.3,00,000/- has been paid to the second respondent/wife on 10.03.2021 as first installment.

2. The joint memorandum of compromise dated 04.03.2021, signed by both the parties and their respective counsel reads as under:

"A.The petitioner in CrI.O.P's are agreed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the 2nd respondent viz., Mrs.E.Thenmozhi, who is the wife of the 1st petitioner herein. The 2nd respondent is also agreed to receive the said sum which is permanent alimony to the 2nd respondent. After receipt of said sum, she will not claim any other/further payment in respect of matrimonial disputes including assets of the petitioners in future.

B.The petitioners and 2nd respondent are agreed to act upon the following clause.T

1.The petitioners in Criminal Original Petitions shall pay a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) towards the part payment out of the total payment on or before 10.03.2021 by way of DD in favour of 2nd respondent/wife namely Mrs.E.Thenmozhi. The 2nd respondent shall acknowledge the same sum.

2.The 2nd respondent/wife is agreed to receive the part payment from the petitioners. After receipt of Rs.3,00,000/- (Rupees Three Lakhs Only), the 2nd respondent/wife shall file

an affidavit before the Hon'ble High Court in CrI.O.P.with regard to quashing the Domestic Violence proceedings/no objection to quash the DV proceedings pending on the file of the Judicial Magistrate Court, Alandur, old C.M.P.No.1088/2014 (new C.M.P.No.245 of 2020 on the file of the Mahila Court, Alandur).

3.The 2nd respondent/wife and petitioners are agreed to file mutual Divorce petition before the Family Court, Chennai, along with the waiver application. On the date of filing of the petition or after the numbering the said application, the petitioners shall pay a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) towards the 2nd installment payment to the 2nd respondent/wife, for which, the 2nd respondent shall acknowledge the said sum.

4.The both parties agreed the final payment/3rd installment of Rs.4,00,000/- (Rupees Four Lakhs Only) shall be paid by the petitioners to the 2nd respondent/wife on or before passing the final order in the mutual divorce petition/consent order be passed in the 13-B petition. The 2nd respondent shall acknowledge the said sum.

5.The 1st petitioner in Criminal OP is agreed to withdraw the H.M.O.P.No.314/2015 pending on the file of the V Additional Family Court on or before the orders to be passed in 13-B petition.

C.The 2nd respondent/wife shall not initiate any proceedings including Criminal/Civil proceedings against the petitioners before any forum hereafter in future. The Jewels and belonging to the 2nd respondent was already taken away by the 2nd respondent at the time of leaving the matrimonial home. Therefore, exchange of article etc., between each others does not arise.

D.The 2nd respondent/wife is agreed to co-operate and appear before the family Court for mutual divorce petition till the disposal of the said petition. In the event of any condition as mentioned above is violated by either parties, this memo of compromise/settlement agreement shall stands cancelled and the amount paid by the petitioners shall be refunded immediately.

7.By signing this agreement, the parties hereto state that they have no further claims or demands against each other with respect to CrI.O.P.Nos.14572 of 2014 and 11246 of 2015, Divorce Petition and Domestic Violence Proceedings and all disputes and differences in

this regard have been amicably settled by the parties hereto through the process of Conciliation/Mediation."

3. The learned counsel for the petitioners submitted that the second installment of a sum of Rs.3,00,000/- will be paid to the second respondent/wife today i.e.,08.04.2021. He further submitted that the balance sum of Rs.4,00,000/- will be paid to the second respondent/wife on or before the final disposal of the petition filed under Section 13-B of the Hindu Marriage Act, 1955, pending on the file of the Court below concerned.

In such view of the matter, these criminal original petitions are disposed of in terms of the compromise memo filed by the parties and the memo of compromise shall form part of the order. The petitioner/ husband shall pay the balance amount of Rs.4,00,000/- to the second respondent/wife two weeks prior to the hearing of final disposal of the petition filed under Section 13-B and thereafter, the second respondent/wife shall withdraw the D.V.O.P. proceedings pending on the file of the Mahila Court, Alandur, Chennai. No costs. Connected M.Ps. are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

ENCL: Xerox Copy of Compromise Memo

nsd

To

1.The Judicial Magistrate, Alandur.

2.The Mahila Judge, Alandur.

3.The I Additional Family Judge,
Chennai.

4.The Protection Officer,
District Social Welfare Office,
No.43/2 Second Sheet,
Vandavasi Road, Kancheepuram.

+1cc to Mr.V.Purushothaman, Advocate, S.R.No. 22084

+1cc to Mr.N.Naganathan, Advocate, S.R.No.22145

Cr1.O.P.No.14572 of 2014
and Cr1.O.P.No.11246 of 2015

RSI (CO)

GN (29/06/2021)

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