



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE T.V.THAMILSELVI

CRL.O.P.NO.18681 OF 2019

AND

CRL.M.P.NO.9505 OF 2019

1. S.Thenarasu
2. Velvhizhi
3. Silambarasan @ Silambarasu
4. Kokila
5. Madhani
6. S.Gunasundari

... Petitioners/Accused
1 to 6

.Vs.

1. The State Rep. by
The Inspector of Police,
All Woman Police Station,
Tiruppattur, Vellore District.
(Cr.No.10/2018)

... 1st Respondent/Complainant

2. Tamizharasi

... 2nd Respondent/Defacto
Complainant

PRAYER:-

Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the FIR in Crime No.10 of 2018 pending on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.B.Sundarapandiyar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
For R1

Mr.J.Arul Prakasam
For R2



O R D E R

The petitioner has filed this petition seeking to call for the records and to quash the FIR in Crime.No.10 of 2018, on the file of the 1st respondent police.

2. At the time of argument, the learned counsel for the petitioners submit that memorandum of compromise was entered between the 1st petitioner and the 2nd respondent who are the husband and wife. The same was incorporated in Tr.CMP.No.719 of 2019 filed by the 2nd respondent. As per the terms of compromise, both parties agreed to withdraw the allegations levelled against each other and also the 1st petitioner/husband herein agreed to withdraw the HMOP.No.154 of 2018 on the file of Sub Court, Thirupathur and the wife/defacto complainant herein agreed to give no objection for allowing the Crl.OP.No.18681 of 2019 against the petitioner. Furthermore, they agreed to file the mutual consent divorce petition. It appears that on the above agreement, the 1st petitioner herein agreed to pay a total sum of Rs.5,00,000/- as full and final settlement, out of which, the 1st petitioner had already given a sum of Rs..3,00,000/- (Rupees Three Lakhs only) and the balance amount of Rs.2,00,000/- at the time of obtaining divorce on mutual consent.

3. Today, both husband and wife are enquired and they agreed to file the divorce petition for mutual consent by enclosing a copy of demand draft for a sum of Rs.2,00,000/- which was also enclosed in the name of the 2nd respondent herein.

4. At the time of arguments, both the counsel submits that they have already separated for the past four years and there is no possibility of reunion. Hence, they prayed to direct the Family Court, Chennai to dispense the period of six months.

5. Considering the facts and circumstances of the case, there is no possibility of reunion, therefore they need not be wait for another six months, since the 1st petitioner and the 2nd respondent are working in the Government School Teacher and knowing fully about the consequence, they have individually taken their decision. Therefore, this Court directs the Family Court, Chennai, to dispense the period of six months and record the mutual consent on or before 17.12.2021, more particularly on 14.12.2021. Furthermore, the 1st petitioner/husband is directed to handover the demand draft for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the 2nd respondent herein on the date of passing of divorce by mutual consent.



6. This Criminal Original Petition stands disposed of and as a sequel, the FIR in Crime No.10 of 2018, pending on the file of the, Inspector of Police, All Woman Police Station, Tiruppattur, Vellore District Chennai is quashed and the terms of Memorandum of compromise shall form part and parcel of this order. Consequently, connected miscellaneous petitions, if any, are closed.

* Xerox Copy of Memorandum of Compromise is enclosed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

drl

To

1. The Inspector of Police,
All Woman Police Station,
Tirupattur,
Vellore District.
2. The Public Prosecutor,
Madras High Court.
3. The Family Court,
Chennai.

+2ccs to Mr.J.Arul Prakasam, Advocate, S.R.No.636509

CRL.O.P.NO.18681 OF 2019

CP(CO)
PBS/15/12/2021