



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.2762 of 2022 and
Crl.O.P.Nos.16958, & 9719 of 2021 and
6987 & 7036 of 2022 and
Crl.M.P.Nos.6008 & 9261 of 2021

W.P.No.2762 of 2022:-

R.Kokila Shree

...Petitioner

-Vs-

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

2.The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai - 600 004.

3.The Sub-Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai - 600 040.

..Respondents

Prayer :This Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the 1st respondent to appoint a competent officer from any agency under the control of the 1st respondent and further direct to conduct impartial investigation of the complaint registered in Crime No.8/2022 on the file of the 3rd respondent along with the complaint lodged by the petitioner on 30.12.2021 with the 1st respondent for the same occurrence and forwarded to the 2nd respondent by the 1st respondent and to take all further action as per law.

Crl.O.P.No.16958 of 2021:-

1.Balamurugane
2.Gopalakrishnan

...Petitioners

-Vs-



State rep by
The Inspector of Police,
W-7, AWPS, Anna Nagar,
Chennai.

...Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in Crime No.2/2021, pending on the file of the respondent police and quash the same.

(ii) to stay all further proceedings in Crime Number 2/2021 pending on the file of the Respondent Police, pending disposal of the above quash petitioner; and

(iii) to dispense with the production of certified copy of the FIR in Cr.No.2 of 21 on the file of W-7 All Women Police, Annanagar, Chennai.

Cr1.O.P.No.9719 of 2021:-

- 1.Lalitha
- 2.Banou
- 3.R.Arulmozhi
- 4.Ramamurthy
- 5.Shankar
- 6.Bhuvaneshwari @ Malar

...Petitioners

-Vs-

- 1.State rep by
The Inspector of Police,
W-7, AWPS, Anna Nagar,
Chennai.

- 2.Gokilashree

...Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in W-7, AWS in Crime No.02/2021, Anna Nagar pending investigation on the file of the first respondent police and quash the same.

Cr1.O.P.No.6987 of 2022:-

- 1.E.Sathyanarayana
- 2.E.K.Madhumohan
- 3.R.Balamurugane

...Petitioners

-Vs-

- 1.The State rep by
The Inspector of Police,
K3 Aminjikkarai Police Station,
Anna Nagar, Chennai.



2.E.Rajendran

...Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to quash the FIR registered against the petitioners in Crime No.1098 of 2020 on the file of the 1st respondent police.

Crl.O.P.No.7036 of 2022:-

1.Kokila Shree

2.E.Rajendran

...Petitioners

-Vs-

1.The Station House Officer,
Orleanpet Police Station,
Orleanpet, Puducherry.
Crime No.0147 of 2021.

2.R.Lalitha

...Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records pertaining to the FIR in Crime No.0147 of 2021 pending on the file of the 1st respondent police and quash the same against the petitioners.

For Petitioners : Mr.V.Ramamurthy
(in W.P.No.2762 of 2022)
Mr.Sundarraja Mukund
(in Crl.O.P.No.16958 of 2021)
Mr.C.M.Gunasekaran
(in Crl.O.P.No.9719 of 2021)
Mr.Radhika Boopathi
(in Crl.O.P.No.6987 of 2022)
Mr.S.V.Ramamurthy
(in Crl.O.P.No.7036 of 2022)

For Respondents : Mr.A.Gokulakrishnan

Additional Public Prosecutor
(for R1 to R3 in W.P.No.2762 of 2022)
(for R1 in Crl.O.P.No.16958 of 2021)
(for R1 in Crl.O.P.No.9719 of 2021)
(for R1 in Crl.O.P.No.6987 of 2022)
Mr.V.Balamurugane
Public Prosecutor (Pondicherry)
(for R1 in Crl.O.P.No.7036 of 2022)
Mr.V.Ramamurthy
(for R2 in Crl.O.P.No.9719 of 2021)



COMMON ORDER

Since all the matters arises out of matrimonial dispute, by consent of both parties namely R.Kokila Shree (wife) and R.Balamurugane (husband) the matter was referred to Mediation.

2.Crl.O.P.No.9719 and 16958 of 2021 are filed by the husband and his family members to quash the FIR in Crime No.2 of 2021 on the file of the W-7, All Women Police Station, Anna Nagar, Chennai.

3.Crl.O.P.No.6987 of 2022 has been filed by the husband and two other relatives to quash the complaint registered in Crime No.1098 of 2020 on the file of the Inspector of Police, K3 Aminjikkarai Police Station, Anna Nagar, Chennai.

4.Crl.O.P.No.7036 of 2022 has been filed by the wife to quash the complaint in Crime No.0147 of 2021 on the file of the Station House Officer, Orleanpet Police Station, Puducherry.

5.The wife had filed W.P.No.2762 of 2022 seeking protection against her husband from harassment.

6.When W.P.No.2762 of 2022 was taken up for hearing, the husband intervened, thereby, the matter was referred to Mediation. In the Mediation the dispute between the parties has been settled and the parties have also entered into the Memorandum of Understanding, wherein the parties have agreed to withdraw the case pending against each other, on terms of Memorandum of understanding dated 07.03.2022.

7.Both the parties are present before this Court and they were identified by their respective counsel. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

8.The learned counsel for the petitioner would submit that pursuant to the reference of case for Mediation the parties have arrived at amicable settlement in the presence of the Mediator. The settlement was also entered by way of Memorandum of Understanding. The relevant portion of the Memorandum of Understanding is extracted hereunder:-

"1.The Party of the First Part and the Party of the Second Part got married on 18.11.2012 at Kanchi Kamakodi Peetam, Mel Thirupathi, AndraPradesh and later registered on 30.11.2012 at the Office of Sub-Registrar, Puducherry, vide Register number as791/2012.

2.The marriage between them was consummated and two Children, namely



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B.Duwarak aged about 8 years and B.Karan Hari aged about 6 years, were born out of this lawful wedlock and they are now in care and custody of the Wife (Mother)/Party of the Second Part.

3.Disputes and differences had arisen between the parties hereto several complaints and petitions are pending before various Police stations and Hon'ble courts filed by either parties, as mentioned below.

4. The matter was referred to mediation vide an order dated on 24.02.2022 in W.P.No. 2762/2022 by the Hon'ble High Court of Madras. 5.The parties agreed that Mrs.ADHILAKSHMI LOGAMURTHY would act as their Mediator.

6.Several meetings were held during the process of Mediation from 24.02.2022 to 07.03.2022 and the parties have with the assistance of the Mediator voluntarily arrived at an amicable solution resolving the disputes and differences.

Whereas the Party of the First Part and the Party of the Second Part have decided to get their marriage dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act 1955 before the Hon'ble Family Court, Chennai.

NOW THIS MEMORANDUM OF UNDERSTANDING WITNESSTH AS FOLLOWS: -

1.The Parties herein undertake to file a petition for divorce by mutual consent before the family court at Chennai, to dissolve the marriage that took place on 18.11.2012 at Kanchi Kamakodi Peetam, Mel Thirupathi, AndraPradesh and later registered on 30.11.2012 at the Office of Sub-Registrar, Puducherry, vide Register number as 791/2012.

2.Both the parties mutually agree to withdraw all the pending litigations and legal proceedings filed by them, further both the parties have agreed to give consent to quash the FIR's and DVC's filed by each other in the event of filing petitions for the same, with a view to giving a quietus to the issue before the final hearing of the petition for divorce by mutual consent.

a)The following Complaints and petitions



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filed by the Husband/Party of the First Part: i.O.S.No.184/2020 on the file of the Additional District Munsif, Poonamallee and connected C.M.A.No.3/2021 on the file of the Sub Court Poonamallee.

ii.O.S No.3500/2021 on the file of the I Asst City Civil Court, Chennai.

iii.W.P.No.13312 of 2021 and W.P.No.28243 of 2021 on the file of Hon'ble High Court of Madras.

iv.O.P.No.459/2020 on the file of Hon'ble High Court of Madras.

v.DVC No. 109 of 2021 filed before the Judicial Magistrate No.III, Pondicherry.

vi.Restitution of Conjugal Rights - MOP No.332/2020 on the file of the Family Court, Puducherry.

vii.CRP No. 408/2022 filed before the Hon'ble High Court of Madras.

viii.Quash petition Crl. O.P. No. 9719 of 2021 and Crl.O.P.No.16958 of 2021 pending in the Hon'ble High Court of Madras

ix. FIR No. 0147 of 2021 Pending on the file of Orleanpet Police Station, Puducherry.

x.Complaint preferred in K4 Police Station Anna Nagar, Chennai.

xi.CSR No.13 of 2022 on the file of K8 Police Station, Arumbakkam, Chennai.

b) The Following Complaints and Petitions filed by the Wife/Party of the Second Part:

i.FIR No. 1098/2020 on the file of K3 Police Station Aminjikarai, Chennai.

ii.FIR No. 2 of 2021 on the file of W7 - All Women Police Station, Anna Nagar, Chennai

iii.D.V.C. No. 56/2021 on the file of Additional Mahila Court, Egmore, Chennai.

iv.W.P.No. 2762 of 2022 pending on the file of Madras High Court, Chennai.

v.M.C.No.553/2021 on the file of III Additional Family Court, Chennai.

vi.Complaint given in K10 Police Station Koyambedu, Chennai

3. Both the parties have agreed to exchange their valuables personal belongings and articles before the final hearing of the petition for divorce by mutual consent.



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4.The Husband/party of the first part has agreed to hand over the valuables, articles and personal belongings of Wife/party of the second part which are in the warehouse in Singapore to the Wife/party of the second part through her relatives namely Hemamalini/Vijayan, and the same is agreed by the Husband/ Party of the First Part before the final hearing of the petition for divorce by mutual consent.

5.Both the Parties herein out of their free will, waive their right to claim maintenance for the past, present and future including permanent alimony against each other, except Rs. 20,00,000/- (Rupees Twenty Lakhs) paid to the Wife/Party of the Second Part by the Husband/Party of the First Part as full and final settlement of the permanent alimony to be paid in two parts 50% on the day of filing of the petition for divorce by mutual consent and 50% on the day of final hearing in the mutual consent petition. Both the parties agree not to Claim any share in the cash/movable/ immovable properties from each other now or in future.

6.The Wife/Party of Second part will hand over the keys to the Husband/Party of the first part. The party of the second part/wife relieves all her duties with regard to the house properties situated at Sunnambu Kulathur, Velacherry and Nerkundaram, Chennai.

7.The Party of the First Part/Father unconditionally agrees to bear all the educational expenses till the children complete their education, including the tuition fees, sports and other extra-curricular activities and medical expenses, till they stand on their own leg.

8.The Party of the First Part/Father agrees to pay Rs.20,000/-(Rupees Twenty Thousand) to each child per month totaling Rs.40,000/-(Rupees Forty Thousand) before the 10th of every month.

9.The Party of the Second Part/Mother of the children will have the custody of both the minor children (B.Duwarak and B.Karan Hari). The party of the first part/Father totally agrees for the same reserves only right of visitation/short



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stay of his children. The Party of the First Part/Father will intimate in prior to have the right of Visitation and short stay once in every month for 2 days, if possible the extended weekend may be National Holidays/Other Holidays for 3 days any change in circumstances to be intimated in advance by either party. Further in the best interest of the children the festival days, religious, function, birthdays, anniversaries will be shared by both the parties equally in turns. Both the children will be spending couple of days for quarterly and half-yearly holidays and considerable time during the annual school vacation (1 week to 10 days) with the party of the first part/Father. Apart from this in any emergency situation arising which needs the presence of the children both the parties have to decide accordingly. Both the parties agree not to disturb each other's custodial and visitation rights unless there is an emergency. Both the parties should give access to the phone to the minor children to communicate with the other parent. The contact number for the minor children to contact the party of the first part/husband is 9150876154 and the contact number of the party of the second part/wife is 7871007776.

10.Both the parties agree to attend the Parent Teachers meeting, annual day, sports day and other activities related to school on getting the information directly from the school by submitting a request letter.

11.Both the parties mutually agree that the party of the Second part/Mother of the Children shall inform the Party of the First part/Father in advance about the foreign visits/Trips of the Minor Children (B.Duwarak and B.Karan Hari) further the party of the first part/husband should not cause any hindrance in the preparation of the visits/trips during Visa process and other related steps taken till the children attains majority.

12.Both the Parties herein further agree to have individual life of their own choice and both the parties further confirm that either party will not interfere in the



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individual life of the other party in any manner, whatsoever.

13.Both the Parties herein agree that they will not in anyway misuse the individual photographs/joint photographs or any copies of personal documents of each other anywhere including the social medias.

14.Both the Parties herein agree that there will be no future litigations, either in civil or criminal nature against each other or their respective family members.

15.Both the Parties have agreed not to create any problem to each other now or in future.

16.This Memorandum of Understanding executed by the Party of the First Part and the Party of the Second Part out of their free will and no threat or force, or undue influence is exercised by either side."

9.Heard the learned counsel for the petitioners and respondents in all the cases, and the learned Additional Public Prosecutor and the learned Public Prosecutor (Pondicherry) for the official respondents.

10.Under such circumstances, no useful purpose will be served in keeping the above proceedings pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quash the proceedings in the above cases.

11.In the result,

(a) In view of the Memorandum of Understanding entered into between the parties before the Mediation, the writ petition in WP.No.2762 of 2022 is disposed as not pressed. No costs.

(b)The Cr1.OP.Nos.16958 of 2021, 9719 of 2021 and 6987 of 2022 filed by the petitioner/husband and other family members seeking to quash stands allowed and the FIR in Cr.No.2 of 2021 on the file of the W7 AWPS, Anna Nagar, Chennai and Cr.No.1098 of 2000 on the file of the K3 Aminjikarai Police Station stands quashed.

(c) The Cr1.OP.No.7036 of 2022 filed by the petitioner/wife seeking to quash the FIR in Cr.No.0147 of 2021 on the file of the Orleanpet Police Station, Puducherry stands quashed.



(d) The Memorandum of Understanding entered between the husband and wife before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras dated 07.03.2022 shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

*Xeorx Copy of the Tamil Nadu Mediation and Conciliation enclosed

Sd/-
Deputy Registrar(CS)

//True copy//

Sub Assistant Registrar

jas/tsh

To

- 1.The Commissioner of Police,
Chennai City, Vepery, Chennai - 600 007.
- 2.The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai - 600 004.
- 3.The Sub-Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai - 600 040.
- 4.The Inspector of Police,
W-7, AWPS, Anna Nagar,
Chennai.
- 5.The Inspector of Police,
K3 Aminjikkarai Police Station,
Anna Nagar, Chennai.
- 6.The Station House Officer,
Orleanpet Police Station,
Orleanpet, Puducherry.
- 7.The Public Prosecutor,
High Court, Madras.
- 8.The Public Prosecutor (Pondicherry),
High Court, Madras.



+1cc to Mr.Sundarraja Mukund, Advocate SR.No.26297

+2ccs to M/s.Radhika Boopathi, Advocate SR.No.26677

+4ccs to Mr.V.Ramamurthy, Advocate SR.No.26690

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W.P.No.2762 of 2022 and
Crl.O.P.Nos.16958, & 9719 of 2021 and
6987 & 7036 of 2022 and
Crl.M.P.Nos.6008 & 9261 of 2021

SPD (CO)
GMY (13/05/2022)