



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2022

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDRA

Crl. O.P. No.17834 of 2021

J.Jayachandran

... Petitioner

Versus

The State represented by
The Inspector of Police,
All Women Police Station,
Harur, Dharmapuri District.

... Respondent

Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in respect of Crime No.15/2020 pending investigation on the file of Inspector of Police, All Women Police Station, Harur, Dharmapuri District.

For Petitioner : Mr. D.Rajagopal

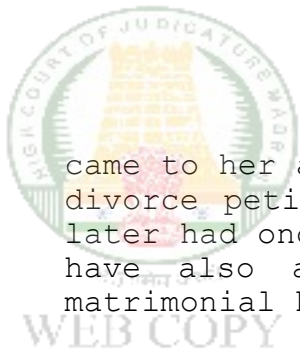
For Respondent : Mr. S. Balaji
Govt. Advocate (Crl.Side)

For de-facto complainant : Mr. G.Saravanan

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 498 (A) IPC and Section 4 of Dowry Prohibition Act, in Crime No.15 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz. Banumathy is that the marriage between her and the petitioner took place on 16.07.2018 and within a month of their marriage, her husband had taken her to Poland and without her consent, she was compelled to work in a restaurant. The further allegation is that the petitioner used to drink everyday and assaulted and committed cruelty on her. Thereafter, the defacto complainant informed the same to her mother, thereby, her mother took a flight ticket and brought her back to India. After coming to India, she filed a petition for divorce before the family Court, at that time, the relatives of the 1st accused



came to her and convinced her for compromise and made her withdraw the divorce petition and took her to the matrimonial house in India and later had once again demanded Rs.25 Lakhs as additional dowry and they have also assaulted, threatened her and driven her out of the matrimonial house.

3. Mr. D.Rajagopal, learned counsel for the petitioner would submit that the petitioner had earlier moved an Anticipatory Bail petition in CrI.O.P.No.18573 of 2020 and this Court granted Anticipatory Bail to the parents of the petitioner and dismissed Anticipatory Bail as against the petitioner on 21.12.2020. Subsequently, the petitioner moved another Anticipatory Bail petition in CrI.O.P. No.5848 of 2021 and the same was also dismissed on 04.08.2021. Subsequently, the petitioner moved the present Anticipatory Bail petition and this Court had earlier directed the petitioner to take notice on the de facto complainant and also referred the matter for mediation. Thereafter, mediation was conducted by Tamil Nadu Mediation and Conciliation Centre and compromise was arrived between the parties and they have also entered into a Memorandum of Compromise. Based on Memorandum of Compromise, the respondent de facto complainant had agreed to withdraw the cases against the petitioner and also agreed to give consent for quashing the pending proceedings in respect of the petitioner. The learned counsel for the petitioner would further submit that in view of the compromise arrived between the parties, there is no apprehension of arrest and the present petition may be closed recording the Memorandum of Compromise.

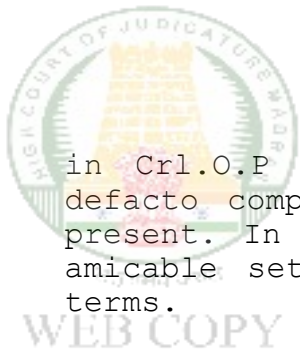
4. Mr. S.Balaji, learned Government Advocate (Criminal Side) would submit that the matter was earlier referred to mediation and it has been settled between the parties.

5. Mr. G.Saravanan, learned counsel appearing for the de facto complainant would submit that it is a matter arising out of matrimonial dispute. Subsequent to the reference by this Court to the mediation centre, the matter has been compromised in the mediation centre and the parties have entered into a Memorandum of Compromise on 09.03.2022. He would further submit that there is no apprehension of arrest.

6. This Court, by order dated 07.12.2021, has referred the matter for mediation and the matter has been settled between the parties. The memorandum of compromise entered between the parties is extracted hereunder:

MEMO OF COMPROMISE ARRIVED BETWEEN THE PARTIES

" The above said CrI.O.P. was referred to the Mediation Centre by Hon'ble High Court. In the mediation centre the case was posted today for mediation and conciliation as fourth sitting. Today the petitioner



in Crl.O.P Jayachandran and his present counsel are present. The defacto complainant K. Banumathy and her parents, her counsel were present. In the presence of mediation on by negotiation there is an amicable settlement arrived between the parties with the following terms.

The defacto complainant herein agreed to withdraw all the cases instituted by her and her parents against the petitioner and his family members viz.,

1. The complaint filed before Inspector of Police All Women Police Station, Arur, Dharmapuri District in Crime No.15/2020 which is the subject matter of the above Crl.O.P. No. 17834 of 2021 on this Hon'ble High Court.

2. The complaint given to Pappireddipatti Police by defacto complainants mother as against Jayachandran and his family members in Crime No.945/2020 (now STC No.917/2021, on the file of Learned Judicial Magistrate, Pappireddipatti)

3. D.V.C. filed before Judicial Magistrate Court, Tirupur in D.V.A.C. No.14/2021 as against Jayachandran and his family members to be withdrawn by the Defacto Complainant.

And the petitioner herein agreed to withdraw the complaint given before Pappireddipatti Police Station as against Banumathy and their family members, in Crime No.946/2020 on the file of Pappireddipatti Police Station.

After negotiation in the Mediation the petitioner Jayachandran agreed to pay Rs.15,00,000/- (Rupees Fifteen Lakhs only) towards permanent alimony to the defacto complainant K. Banumathy by way of D.D. in favour of K. Banumathy. The defacto complainant Banumathy agreed to: accept the above said amount and declares that there is no claim as against Jayachandran and his family members in future and also the parents agreed that already they have exchanged the article between them. Now both the parties agreed to mutual consent divorce by filing 13 (B of Hindu Marriage Act petit before the Family Court after withdrawing the divorce petition H.M.O.P.No.251/2021 filed by the petitioner Jayachandran.

It is made clear that there will no claims by each other in future."



7. Since the matter has been settled between the parties, there is no apprehension of arrest of the petitioner. Accordingly, the Anticipatory Bail petition stands disposed in terms of the Memorandum of Compromise arrived at the mediation centre. The Memorandum of Compromise shall form part and parcel of the records.

-sd/-

16/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HARUR, DHARMAPURI DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

+1 CC to M/S D.RAJAGOPAL Advocate on payment of necessary charges
SR.NO. 9441

+1 CC to M/S.G.SARAVANAN Advocate on payment of necessary
charges SR.NO. 9356

CRL OP.17834/2021

Date :16/06/2022

RW-17/06/2022