



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.10693 of 2021

and

Crl.M.P(MD)Nos.5454 & 5455 of 2021

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1.P.Soorajkumar
2.Padmanabhan Thambi
3.Nirmala Kumari
4.Sreekumaran
5.Vennu
6.N.Sowmiya @ soumya

... Petitioners/
Accused Nos.1 to 6

Vs.

1.The State through,
The Inspector of Police,
All Women Police Station,
Culachal,
Kanyakumari District.
(Crime No.7 of 2016).

... 1st Respondent/Complainant

2.B.L.Prajitha

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned charge sheet in C.C.No.172 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court, Eraniel, Kanyakumari District and to quash the same.

**(Prayer amended vide order, dated 27.04.2022 made
in Crl.M.P(MD)No.8742 of 2021)**

For Petitioners : Mr.G.Aravindhan
For R - 1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R - 2 : Mr.M.R.Sreenivasan

ORDER

This Criminal Original Petition has been filed to quash the proceedings pertaining to the impugned charge sheet in C.C.No.172 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court, Eraniel, Kanyakumari District, as against the petitioners.

2.While pending this petition, the matter has been referred before the Mediation and Conciliation Centre attached to this Bench.



Before the Mediation Centre, the parties, namely, the petitioners and the second respondent amicably settled the issues on the following settlement agreement. The settlement agreement as follows:-

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"1.Today (08.10.2021), the petitioners and the second respondent/defacto complainant physically present for Mediation and the first petitioner and the second respondent submitted that the earlier Mediation which was conducted before Kanyakumari District Mediation and Conciliation Centre between the first petitioner and the second respondent dated 15.09.2017 and the terms of the said agreement was partially acted upon. As per the said terms of agreement, dated 15.09.2017, the Maintenance case alone filed by the second respondent/defacto complainant against first petitioner in M.C.No.9 of 2017 on the file of the learned Judicial Magistrate No.II, Kuzhithurai was closed on 19.09.2017. The divorce petition filed by mutual consent by the first petitioner and the second respondent/defacto complainant before the learned Sub-Judge, Kuzhithurai in H.M.O.P.No.50 of 2017 was dismissed as default on 16.04.2018 due to the non-appearance of the first petitioner herein. The criminal case which was pending against the petitioners in C.C.No.133 of 2016 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District which has been now transferred and renumbered as C.C.No.172 of 2019 is pending on the file of the learned Judicial Magistrate, Fast Track Court, Eraniel, Kanyakumari District. Now the fresh case filed by the second respondent against the first petitioner in H.M.O.P.No.48 of 2019 praying for a decree of divorce to dissolving the marriage dated 12.05.2013 is transferred and renumbered as H.M.O.P.No.287 of 2021 before the Family Court, Nagercoil and the same is pending.

2.The petitioners and the second respondent/defacto complainant now resolved to settle their issue once for all among themselves and come forward to resolve all the cases pending against them.

3.Today (08.10.2021), the first petitioner paid a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the second respondent/defacto complainant by way of Demand Draft No.373379, State Bank of India, SME



Branch, Nagercoil, dated 30.09.2021 as one time and final settlement of permanent alimony to the second respondent.

4.Today (08.10.2021) the second respondent/defacto complainant received a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) from the first petitioner by way of Demand Draft No.373379, State Bank of India, SME Branch, Nagercoil, dated 30.09.2021 as one time and final settlement.

5.The second respondent/defacto complainant already received all her jewels and Sreedhana properties from the first petitioner pending aforesaid Court proceedings.

6.The second respondent/defacto complainant has agreed to not proceed C.C.No.172 of 2019 now pending on the file of the learned Judicial Magistrate, Fast Track Court, Eraniel, Kanyakumari District. The second respondent has no objection to allow the above Crl.O.P(MD)No.10693 of 2021 to quash the C.C.No.172 of 2019 on the file of the Judicial Magistrate Court, Fast Track Court, Eraniel, Kanyakumari District in respect of all the petitioners and in the event of granting divorce in H.M.O.P.No.287 of 2021 on the file of the Family Court, Nagercoil.

7.The first petitioner hereby agreed and consented to co-operate and file an affidavit by appearing in person in H.M.O.P.No.287 of 2021 pending before the Family Court, Nagercoil on 02.11.2021, the date of hearing and undertake to file an affidavit to the effect that he has no objection to grant a decree of divorce to the second respondent by dissolving the marriage held between them dated 12.05.2013, on the basis of the settlement arrived between the parties before the Mediation Centre attached to this Bench, dated 08.10.2021.

8.The first petitioner and the second respondent/defacto complainant have agreed that they will not pursue any claim between them in future and they have resolved their issue once for all through the above terms.



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9.Both parties requesting this Court to give suitable direction to the Family Court, Nagercoil to pass a decree for divorce in H.M.O.P.No.287 of 2021 on the basis of the compromise arrived between the parties dated 08.10.2021 before the Mediation Centre attached to this Bench.

10.The petitioners filed Crl.O.P(MD)No.10693 of 2021 to quash C.C.No.172 of 2019 on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level No.II), Nagercoil, since the copies furnished by said Court. But now they came to know the proceedings in C.C.No.172 of 2019 is pending before learned Judicial Magistrate, Fast Track Court, Eraniel, Kanyakumari District and that may be recorded.

11.By signing this agreement all the parties here to state that they have no further claims or demands against them with respect to Crl.O.P(MD) No.10693 of 2021 and all the dispute and differences in this regard have been amicably settled by the parties hereto through the process of Conciliation/Mediation."

3. In terms of the settlement between the parties, the entire disputes and differences between them are amicably settlement by them.

4. In view of the above, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.172 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court, Eraniel, Kanyakumari District is quashed and the terms of Settlement Agreement shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ps

Encl:Settlement Agreement



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Judicial Magistrate,
Fast Track Court,
Eraniel,
Kanyakumari District.
- 2.The Inspector of Police,
All Women Police Station,
Culachal,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G. ARAVINTHAN, Advocate (SR-21921[F] dated
28/04/2022)

**Crl.O.P(MD)No.10693 of 2021
27.04.2022**

MGJ(03.06.2022) 5P 5C