



Crl.O.P.No.22698 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.O.P.No.22698 of 2021
and Crl.M.P.No.12350 of 2021

1.Mothi Balaji Srinivasan
2.V.Srinivasan
3.R.C.Jayashree
4.S.Viswaraj

... Petitioners

Vs

1.The State rep by
The Inspector of Police,
AWPS-West Police Station,
Coimbatore City, Coimbatore.
Crime No.6 of 2021.

2.S.Kavya

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records to the proceedings in FIR in Crime No.6 of 2021 on the file of the first respondent and quash the same.

For Petitioners : M/s.Elizabeth Ravi

For Respondent : Mr.L.Baskaran for R1
Government Advocate (Crl. Side)
M/s.V.Meenakshi Sundaram for R2



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the FIR in Crime No.6 of 2021 on the file of the first respondent Police and quash the same.

2.The subject matter of challenge in this Criminal Original Petition is the FIR registered by the first respondent in Crime No.6 of 2021 based on the complaint given by the second respondent on 12.01.2021. It is a matrimonial dispute between the first petitioner and the second respondent.

3.The learned Government Advocate (crl.side) submitted that the matter was referred to the mediation centre on 14.09.2023 and the mediation was effected and the parties have agreed for a compromise.

4.Heard the learned counsel on either side and perused the Mediation Report dated 20.12.2023. The terms of the Compromise Memo dated 20.12.2023, are extracted hereunder:

“a. The first petitioner herein has agreed to pay a sum of Rs.10 lakhs (Rupees Ten Lakhs only) towards one time settlement, to the second respondent herein and the



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second respondent also agreed to receive the said amount through her father, Mr.Sundaram.S, as her authorised representative, as one time settlement in full quit of all her claims as against the petitioners herein, as above.

b. The said amount of Rs.10,00,000/- (Rupees Ten Lakhs only) is being paid by the second petitioner, on behalf of the first petitioner, as his power agent, through two Banker's Cheque, (1) Banker's Cheque No.681729, 16.12.2023, for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) and (2) Banker's Cheque No.681730, dated 16.12.2023, for a sum of RS.5,00,000/- (Rupees Five Lakhs only), drawn on Bank of India, R.S.Puram Branch, Coimbatore 641 013, in favour of S.Kaavya, the second respondent.

c. The second respondent hereby withdraws all the complaints , which are the subject matter of the above two cases, Crl.O.P.No.22698 of 2023 and C.R.P.No.3703 of 2023 namely,

(i) Complaint, dated 22.08.2021, on the file of AWPS- West Police Station, Coimbatore City, lodged by the second respondent, against the petitioners herein.

(ii) Complaint dated 25.03.2022, in D.V.A.No.131 of 2022, on the file of Special Court for Domestic Violence Act Cases, Coimbatore, lodged by the second respondent,



against the petitioners herein.

d. The second respondent hereby undertakes that not to initiate or take up any proceedings, civil or criminal or otherwise, against the petitioners herein, pertaining to any matter whatsoever, arising out of and consequent their marriage with the first petitioner, in future.

e. The first petitioner and the second respondent herein agree to have their marriage dissolved by mutual consent and undertake to file a petition for divorce, before the competent Civil Court or Family Court, Coimbatore, through their respective power agents, before the end of February, 2024.

f. The first petitioner and the second respondent shall co-operate in filing the petition for the dissolution of their marriage by mutual consent, before the competent Civil Court, or the Family Court and enter their appearance either personally or through Video Conference, in accordance with law and the procedure.

g. The first petitioner has agreed and is paying the said amount of Rs.10,00,000/- (Rupees Ten Lakhs only), as above, on the assurance that the second respondent shall jointly file the petition for the dissolution of their marriage, by mutual consent and express her unconditional willingness at all stages and up to the grant



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of the Decree for divorce, and in the event of any failure on the part of the second respondent, ultimately leading to the negating the relief, then the second respondent shall return the entire amount of Rs.10,00,000/- (Rupees Ten Lakhs only), received by her under this memorandum. If there is any default on the part of the petitioner in coming forward for filing Mutual Consent Divorce Petition the second respondent shall not return the paid amount of Rs.10,00,000/- (Rupees Ten Lakhs only), received under this Memorandum. The parties shall bear their own cost. A copy of the consent letter sent by Kaviya dated 19.12.2023 through email is enclosed herewith.”

5.Considering the report of the Mediation Centre in which it was specifically stated that the parties have agreed for a compromise and they have settled their issues, the proceedings in Crime No.6 of 2021 pending on the file of the first respondent, is quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed. The Compromise Memo shall form part of the order.

22.12.2023

Internet:Yes
Index:Yes/No
vkr

VIVEK KUMAR SINGH.J.,



WEB COPY



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To

1. The Inspector of Police,
AWPS-West Police Station,
Coimbatore City, Coimbatore.
2. The Public Prosecutor,
High Court, Madras.

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and Crl.M.P.No.12350 of 2021

22.12.2023