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Crl.O.P.(MD)Nos.14845 and 14847 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.10.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)Nos.14845 and 14847 of 2022
and
Crl.M.P.(MD)Nos.430 and 590 of 2023
and 9665 and 9668 of 2022

1.K.Karthikeyan
2.K.Karunakaran
3.Ponmari

... Petitioners in
Crl.O.P.(MD).No.14845 of 2022

1.K.DurgaLakshmi
2.R.Nallathambi

... Petitioners in
Crl.O.P.(MD).No.14847 of 2022

Vs.

1.The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City.

2.Ramya Priyadharshini

... Respondents in both Crl.O.Ps.

PRAYER in Both Crl.O.Ps.: Criminal Original Petitions are filed under Section 482 of Cr.P.C, to call for the records relating to the impugned FIR in Crime No.36 of 2021 on the file of the first respondent police and quash the same as illegal in so far as the petitioners are concerned.



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For petitioner : Mr.I.SUthakaran

For 1st Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

For 2nd Respondent : Mr.A.S.Rajeswari

in both Crl.O.Ps.

COMMON ORDER

These petitions have been filed to quash the impugned FIR in Crime No.36 of 2021 on the file of the first respondent police in so far as the petitioners are concerned.

2.Earlier the matter was referred to the mediation for exploring the possibility of settlement between the parties. Now the mediation report was received. The settlement agreement is extracted hereunder:

a.Since the first petitioner is in abroad, final agreement is posted to 20.09.2023, on that date he agreed to be present in the mediation. First petitioner has agreed to pay a final sum of Rs.13.70 lakhs to the second respondent/defacto complainant. First petitioner has agreed to bring Rs.5 lakhs on 20.09.2023. Both parties agreed to sign and present the petitioner for mutual



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consent in the concerned Court immediately thereafter, the second respondent has agreed to withdraw criminal case pending in D.V.C.No.19/2023 on the file of the Additional Mahila Court, Madurai, immediately after 19.09.2023. The first petitioner has agreed to pay the balance sum of Rs.8.70 lakhs on the date of presentation of 13 B Mutual Divorce Petition before the concerned Court. The second respondent/defacto complainant has agreed to return 9 sovereigns of Thali Chai. 1 sovereign Thirumangalayam and ½ Sovereign ring to the first petitioner on the date of presentation of 13 B Mutual Divorce Petition.

b.Both parties agreed to withdraw their H.M.O.Ps pending on the Family Court Madurai, on the date of presentation of 13 B Mutual Divorce Petition.

c.The second respondent has no objection allowing the Crl.O.P.No.14847/2022 dated 14845/2022 on the file of their Hon'ble Court.

d.Both the parties agreed that they will abide by the terms mentioned above.

e.As agreed by both the parties on 19.08.2023 in the Crl.O.P.No.14847 of 2022 dated 14845/2022 first petitioner/husband is present and he has paid a sum of Rs. 5 lakhs to the respondent in cash. The defacto complainant/respondent has received the same.



f.The mutual divorce application under Section 13

B of Hindu Marriage Act was perused by both the parties and both parties agreed to present the same tomorrow on 21.09.2023. Tomorrow defacto complainant has agreed to hand over the gold ornaments mentioned in 18.08.2023 settlement on 21.09.2023. Petitioner/husband agreed to pay the balance sum of Rs.8.70 lakhs by cash on 21.09.2023 before filing of mutual divorce application under Section 13 B of Hindu Marriage Act. The petitioners in Crl.O.P.No.14847 of 2022. Sister, Brother-in-law of the first petitioner/husband are in abroad and as they have no say in the settlement, their presence is dispensed with. The settlement dated 18.08.2023 forms part of settlement mediation completed.

3.Today, the husband and the defacto complainant are present before this Court and the defacto complainant stated that she has received a sum of Rs.13.70 lakhs from the first accused.

4.In view of the above said settlement, no useful purpose will be served in keeping the FIR pending in Crime No.36 of 2021 on the file of the first respondent police.



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5. These Criminal Original Petitions stand allowed and as a sequel, the proceedings in Crime No.36 of 2021 on the file of the first respondent police, is hereby quashed. Consequently, the connected criminal miscellaneous petitions are closed.

12.10.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
vsg

To

1. The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA. J.,

vsg

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