



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.17605 of 2022

WEB COPY

Ranjith

...Petitioner/Accused No.1

-vs-

The State rep, by
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.
(in Cr.No.48 of 2022)

... Respondent/Complainant

Hemalatha

... Petitioner/Intervener
In Crl.MP(MD).13613/2022
in Crl.OP(MD).17605/2022

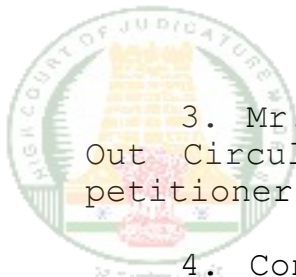
PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.48 of 2022.

For Petitioner	: Mr.AJMAL KHAN, Senior Counsel for M/s.AJMAL ASSOCIATES
For Respondent	: Mr.A.ALBERT JAMES Government Advocate (Crl.side)
For Intervenor	: Mr.LENINKUMAR, Advocate
Mediator	: Mr.S.PALANIVELAYUTHAM, Advocate

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 498(A), 406, 294(b) and 506(i) IPC in Crime No.48 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The matter arises out of matrimonial dispute. When the matter was listed before this Court on 06.12.2022, it was represented by the learned counsel for the intervenor/defacto complainant that the petitioner had earlier given an undertaking that he will appear before this Court for settlement. He also submitted that the petitioner did not turn up before this Court.



3. Mr.Ajmal Khan, learned Senior Counsel represented the petitioner. A Look Out Circular was issued against the petitioner and thereby the petitioner was prevented from entering into the country.

4. Considering their submissions, this Court had directed the learned Additional Public Prosecutor to instruct the respondent police to take necessary steps to withdraw the Look Out Circular, pursuant to which, the petitioner appeared before this Court on 05.01.2023 and this Court, with consent of both parties, have referred the matter by appointing Mr.Palanivelayutham, as Mediator to mediate between both the parties. The learned counsel for the petitioner agreed to pay fees for the Mediator. This Court also directed the Mediator to complete the mediation process and refer back the matter back to this Court on 20.01.2023.

5. On 20.01.2023, it was represented by the Mediator Mr.S.Palanivelayutham that despite conducting mediation there is no consensus between the parties. On that day, the learned counsel appearing for the parties submitted that they would once again try to mediate between the parties.

6. Thereby the parties were once again directed to appear before this Court and the matter was directed to be posted on 24.01.2023. On 24.01.2023, it was jointly represented by the parties that a settlement has been arrived between the parties and they would seek time for filing a compromise memo and this Court directed the matter to be listed today.

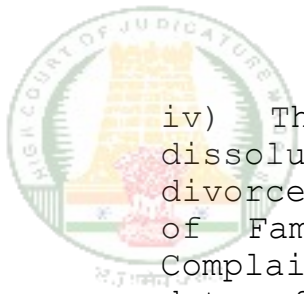
7. Today i.e on 30.01.2023, the parties have filed a joint compromise memo stating that the dispute has been settled and they have also entered into a compromise memo which reads as follows:

"i) The Petitioner viz., Ranjith S/o. Rajagopal to pay a sum of hereby undertakes Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) to the 2nd Respondent/De-facto Complainant viz., Hemalatha D/o. Kamaraj towards full and final settlement.

ii) The Petitioner herein has today paid a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) by a Demand Draft bearing No.457989 dated 30.01.2023 drawn at South Indian Bank, Anna Nagar Branch, Madurai in favour of the 2nd Respondent/Defacto Complainant towards part payment from and out of the said sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) payable by the Petitioner and 2nd Respondent/De- facto Complainant has also acknowledged the receipt of said Demand Draft.

iii) The 2 Respondent/De-facto Complainant has no objection for quashment of the FIR registered against the Petitioner herein and his family members in Crime No.48 of 2022 on the file of All Women Police District, the 1st respondent herein in above Crl.O.P(MD)No.17605 filed by the Petitioner

<https://www.mhcn.org.in> for Anticipatory Bail.



iv) The Petitioner herein has filed a petition dissolution of marriage held on 09.09.2021 by a decree of divorce in H.M.O.P(E-filing No. OP.111 of 2023 on the file of Family Court, Madurai. The 2nd Respondent/De-facto Complainant do hereby undertakes to file a memo on the 1st date of hearing of the said divorce petition for passing a Judgment and Decree of Divorce dissolving the marriage held between them on 09.09.2021, of course, without admitting the allegations made against her in the said divorce petition.

v) The Petitioner herein undertakes to pay the balance sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the 2nd Respondent/De-facto Complainant on the date of filing of memo by her before the Family Court, Madurai.

vi) Both the parties viz., Petitioner and 2nd Respondent/De-facto Complainant herein exchanged their belongings satisfactorily and no one will have any claim against each other either in respect of materials or otherwise.

vii) Neither of the parties viz., Petitioner and 2nd Respondent/De-facto Complainant shall initiate any proceeding against each other in respect of their matrimonial relationship which comes to an end by the decree of divorce passed which is to be passed by the Family Court, Madurai.

viii) Neither of the parties shall stake claim as to any right or relationship with each other hereafter.

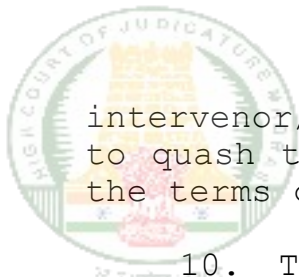
ix) Neither of the parties shall interfere with the privacy of the other by virtue of their marriage held on 09.09.2021 which is to be dissolved by a decree of divorce by the Family Court, Madurai.

x) The compromise in the above terms is effected mutually before the parties without any threat, undue influence or otherwise and purely on their own volition and the will.

xi) In the event of any default/non-compliance by any of the parties in the terms as agreed upon above, the parties are entitled to approach the court to recall the order that may be passed in the above Crl.O.P and restore the status quo ante".

8. The learned counsel for the petitioner would submit that pursuant to the compromise arrived between the parties, the defacto complainant has received a sum of Rs.10 lakhs by way of demand draft bearing No.457989 dated 30.01.2023 drawn at South Indian Bank, Anna Nagar Branch, Madurai as part settlement. He would submit that the intervenor/defacto complainant is ready to receive the balance amount of Rs.15 lakhs on the date of filing of memo by her before the Family Court in H.M.O.P.No.111 of 2023.

9. In view of the fact that the matter being compromised and a memo has been filed, Mr.Lenin, learned counsel for the



intervenor/defacto complainant would submit that he has no objection to quash the case in Crime No.48 of 2022 against the petitioner on the terms of compromise memo.

10. The parties are present before this Court. This Court enquired the petitioner/husband and the intervenor/wife. Both of them submitted that the matter has been compromised between them. The intervenor/wife would submit that she has no objection to quash the case in Crime No.48 of 2022.

11. In the said circumstances, the FIR registered by the respondent police in Crime No.48 of 2022 is quashed. As FIR had been quashed, there is no apprehension of arrest of the petitioner and the Anticipatory Bail Petition is closed.

12. Since the matter has been settled between the parties, the Judge, Family Court, Madurai, shall dispose of H.M.O.P.No.111 of 2023 as expeditiously as possible.

sd/-

30/01/2023

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/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

- 1 THE JUDGE,
FAMILY COURT, MADURAI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.AJMAL ASSOCIATES, SR.No.4782 (F) Dt.31/01/23

+1. CC to M/S.T.LENIN KUMAR, Advocate SR.No.1482 (I) Dt.31/01/23

ORDER

IN

CRL OP(MD) No.17605 of 2022

Date :30/01/2023

SA/CG/SAR.3/14.02.2023/4P/6C

<https://www.mhc.tn.gov.in/judis>