



WEB COPY



Criminal Original Petition No.2225 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.2225 of 2024

and

CrI.M.P.No.1599 of 2024

1.Maheswari
W/o.(late) Anandan

2.Surendran
S/o.Parasuraman

3.Priya
W/o.Surendran

4.Sumitha
W/o.Ilayaraja

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Vellore, Vellore District.

2.Archana
W/o.Silambarasan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records in pursuant to the FIR in Crime No.3 of 2023 on the file of first respondent and quash the same.

For Petitioners : Mr.M.Sathish Kumar



WEB COPY



Criminal Original Petition No.2225 of 2024

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.3 of 2023 pending investigation on the file of first respondent.

2. Heard Mr.M.Sathish Kumar, learned counsel for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

3. When the matter came up for hearing on 07.02.2024, this Court passed the following order:

"Considering the facts of this case, this Court is inclined to refer the parties to mediation. The learned counsel for the petitioner shall ascertain as to when A1 will be able to come from Malaysia. Once A1 comes to India, he and the 2nd respondent can be referred to mediation for amicable settlement.

2. Post this petition under the same caption on 12.02.2024."

4. Thereafter, the matter was listed for hearing on 12.02.2024 and this Court passed the following order:



Criminal Original Petition No.2225 of 2024

WEB COPY

"When the matter came up for hearing, the learned counsel for the petitioner submitted that A1 will reach India this Friday i.e on 16.02.2024. In view of the same, there shall be a direction to A1 and the Defacto complainant to be present before the Mediation Center attached to this Court on 19.02.2024 at 11.30 a.m. The process of mediation shall commence immediately and a report shall be filed before this Court in four weeks.

2. Post this case under the caption for filing mediation report on 20.03.2024.

3. In the meantime, the investigation shall be kept in abeyance. The 1st respondent shall inform the 2nd respondent about this order and shall ensure that the second respondent is present before the Mediation center on 19.02.2024."

5. Pursuant to the above order, the parties attended the mediation proceedings and they entered into a Memorandum of Understanding before the mediator. The terms and conditions of the Memorandum of Understanding dated 25.03.2024 is extracted hereunder:

- "1. In pursuance of the said agreement and in consideration of the Said marriage both the parties are agreed to dissolve the marriage and between the Wife and Husband by way of Mutual Consent without prejudice.
2. Without prejudice to their right, each of them will continue their lives in a happy manner and peaceful manner without any objections and terms and conditions contained without any prejudice to their rights.
3. In consideration of the family both are ready to discontinue their matrimonial life by way of filing mutual divorce petition without any objections.
4. The party of the 2nd part agrees to withdraw her petition file in M.C.No.8/2023 seeking maintenance before the Judicial Magistrate (Mahila Court) Vellore and all the Connected MP Petitions pending before the respective



court.

5. The party of the 2nd part also agrees to give consent affidavit to quash the case in CrI.O.P.No.2225/2024 in Hon'ble High Court of Madras, for the FIR in crime No.03 of 2023 for the offences U/s.498(A),294(b) & 506(1) of IPC R/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002. Against husband and her in laws.
6. The Party of the 1st part her son Mr.Silambarasan also agrees to withdraw H.M.O.P.No.9/2023 pending on the file of the Sub-Ordinate Judge at Vellore.
7. Both the parties agrees for filing Mutual consent divorce U/s.13(b) of Hindu Marriage Act 1955 and obtain decree of divorce Mutually without any prejudice to each other's right in past, present & Future.
8. The Party of the 1st part has agreed to return the gold, silver and other ornaments articles of the party of the 2nd part and similarly the party of the 2nd part has also agreed to return the gold articles, Silver Articles and other ornaments articles (if any) of the party of the 1st part's Son on receipt/receive of Mutual Divorce proof affidavit filing, and Quash Order copy from Hon'ble High Court of Madras for CrI.O.P.No.2225/2024 within a period of 30 days.
9. Both the parties confirm that they do not have any other claim against each other and also undertake not to make any claim against each other in any manner in near future.
10. Both the parties agree to that they shall not proceed with any legal battle in any court of law in India against each other with any regard to their marital status or maintenance, Alimony upon any complaint past, present or future and henceforth withdraw the criminal and civil case, if any, immediately.
11. The parties hereto confirm and declare that all the disputes and differences between them regarding future is entirely settled between themselves and that none of the parties has any further or other claim or demand of any nature whatsoever against the other or others of them.
12. Both the parties agrees in coming to this Agreement



WEB COPY



Criminal Original Petition No.2225 of 2024

expresses that foremost to express their own wish and will for themselves and their family members. Further the 2nd part hereby confirms that she will not get back or reverse after receiving things and revoke the process with any reasons therein. Hereby the 1st part also confirms that he will fulfill the entire terms and conditions agreed in this MOU without any prejudice to each other.

13. The parties hereto expressly agree and declare that they have arrived at this Family Arrangement MOU in order to live a peaceful life without any hindrances of any one and with a view to bring about amity and goodwill amongst them and with a view to maintaining peace and bring about harmony in the family. The parties hereto further agree and declare that the terms of the Memorandum of Family understanding arrived between them and recorded herein are fair and bona fide and in the interest of all the parties.
14. The parties recognize and disclose that through the making of this Agreement that the parties hope to avoid any unnecessary hardship and uncertainty in here providing for the future.
15. Both the parties agree that in coming to this Agreement, they also desire to state that neither of them blames the other for the failure of their marriage or any other issues.
16. The parties hereto shall sign and execute or cause to be signed and executed all such documents, deeds, writing and/or instructions as may be necessary to give effect to the Family Arrangement arrived at amongst the parties hereto. On 25th day of March 2024 and which is recorded in this Memorandum of Understanding-cum-Compromise."

N.ANAND VENKATESH, J.

gm

6. In terms of the above Memorandum of Understanding, the



Criminal Original Petition No.2225 of 2024

mediation report has been placed before this Court.

7. In the light of the above development, the First Information Report in Crime No.3 of 2023 on the file of first respondent is hereby quashed in terms of the Memorandum of Understanding dated 25.03.2024.

Accordingly, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petition is closed.

28.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

1.The Inspector of Police,
All Women Police Station,
Vellore, Vellore District.

2.The Public Prosecutor,
High Court, Madras.

Criminal Original Petition No.2225 of 2024