



WEB COPY



CrI.O.P.No.816 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.816 of 2024

and

CrI.M.P.No.528 of 2024

1.F.Abdulwahidh

2.Sulaika

3.A.Fazuludeen (Senior Citizen)

.. Petitioners

Vs.

1.State Rep by
The Inspector of Police,
Thiruvottiyur,
Chennai – 600 019.

2.U.Aasma

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to FIR in Crime No.15 of 2023 on the file of the 1st respondent and quash the same as against the petitioners.

For petitioners : Mr.G.Nehruji

For R1 : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

This quash petition has been filed to quash the FIR in Crime No.15 of 2023 pending investigation on the file of the 1st respondent.

2. When the matter came up for hearing on 22.01.2024, this Court passed the following order:

“Considering the facts and circumstances of the case, this Court is inclined to refer this matter to the Mediation Centre attached to this Court.

2. Hence, there shall be a direction to the first petitioner and second respondent to be present before the Tamil Nadu Mediation and Conciliation Centre attached to this Court on 29.01.224 at 11.30 a.m. The process of mediation shall commence immediately and a report shall be filed before this Court in four (4) weeks.

Post this case under the caption 'for filing mediation report' on 04.03.2024.”

3. The parties appeared before the Mediator and they arrived at a settlement and relevant portions in the settlement agreement dated 29.02.2024 is extracted hereunder:

“1. Disputes and differences had arisen between the parties hereto and the husband has filed the petition for dissolution of marriage in O.S.No.244/2023 and filed on 20/03/2023 pending before the IV Addl. Family Court at



WEB COPY



Crl.O.P.No.816 of 2024

Chennai and the second party wife lodged a Police complaint against the 1st Petitioner Husband and his parents the 2nd and 3rd petitioner and the FIR No.15 of 2023 dated 27/07/2023 registered on the file of W-14 All Women Police Station at Thiruvottriyur against which the 1st petitioner husband preferred petition in Crl.O.P.No.816/2024 and Crl.M.P.No.528 of 2024 before the Hon'ble High Court of Madras to quash the FIR No.15 of 2023 dated 27/07/2023 on the file of W-14 All Women Police Station at Thiruvottriyur.

2. The Hon'ble High Court of Madras directed and referred the matter to Mediation /Conciliation vide order dated 22.01.2024 in CRL.O.P.No. 816/2024 and Crl.M.P.No. 528 of 2024.

3. The IV Addl. Family Court referred O.S.No. 244/2023 for Mediation / Conciliation vide an order dated 30/01/2024. And both the parties have with the assistance of the Mediator /Conciliator voluntarily arrived at an amicable solution resolving above mentioned disputes and differences and a Settlement Agreement dated 12/02/2024 was filed by both the parties before the District Mediation Centre in the aforesaid O.S.No.244/2023 on the file of Hon'ble Family Court at Chennai.

4. The parties agreed that Mr. M.L.DENIS would act as their Mediator/ Conciliator for the CRL.O.P.No. 816/2024 and Crl.M.P.No. 528 of 2024.

5. Several meetings were held during the process of Mediation / Conciliation from 30.01.2024 to 28.02.2024 and the parties have with the assistance of the Mediator / Conciliator voluntarily arrived at an amicable solution resolving above mentioned disputes and differences.

6. The parties hereto confirm and declare that



WEB COPY



CrI.O.P.No.816 of 2024

they have voluntarily and on their own free will arrived at this Settlement Agreement in the presence of Mediator / Conciliator.

7. The following Settlement has been arrived between the parties hereto:-

a. The parties herein have agreed to mutually dissolve the marriage solemnized between themselves on 24/05/2021 at S.S. Mini Hall, No.10/208, Masthan Gori Street, Aadambakkam, Chennai 600 088, as per Muslim rites and customs for obtaining suitable order dissolving the marriage held between them from the jurisdictional court.

b. The Party of the First Part "Husband" herein agrees to give a sum of Rs.4,00,000/- (Rupees Four Lakhs) towards full and final settlement to the party of the Second Part "Wife" herein.

C. The Party of the First Party "Husband" herein agrees to withdraw the O.S.No. 244/2023 pending before the IV Addl.Family Court and both the parties agreed and filed suit for Divorce on the ground of mutual consent in O.S. Sr.No./224 of 2024 on 29/02/2024.

d. The Party of the First Party "Husband" herein agrees that the said agreed sum of Rs. 4,00,000/- (Rupees Four Lakhs) towards full and final settlement will be paid to the party of the Second Part "Wife".

e. The First Party "Husband" agreed and paid the half amount of Rs.2,00,000/- through Demand Draft No. 340085, dated 19/02/2024 in favour of "Second Party" and the articles of the Second party will be returned by the First party "Husband" with his own expenses and without any damage or disputes.

f. Both the Parties agreed to retain the gold jewels



WEB COPY



Crl.O.P.No.816 of 2024

i.e., First party "Husband" retains 1 sovereigns of gold chain and 1 sovereign of ring and the Second party retains 2 ½ sovereigns Thali Chain.

g. The Second Party "Wife" have no objection and agreed to quash the FIR No. 15 of 2023 on the file of W-14 All Women Police Station at Thiruvottriyur against Police Complaint given against the "Husband" the 1st Petitioner and his parents Mrs. Sulekha the 2nd Petitioner and Mr. Fazuludeen, the 3rd Petitioner.

h. Thereafter the remaining amount of Rs.2,00,000/- will be settled by the First Part "Husband" through Demand Draft to Second Party at the time of Final hearing of the mutual consent.

8. By signing the Agreement the parties hereto state that they "NO FURTHER CLAIMS" and agree and undertake not to interfere each other's life in any manner or demand against each other with the respect to O.S. No. 244/2023 and the FIR No. 15 of 2023 on the file of W-14 All Women Police Station and CRL.O.P.No. 816/2024 and Crl.M.P.No. 528 of 2024 and all disputes and differences in this regard have been amicably settled between the parties hereto through the process Conciliation/Mediation."

4.In the light of the above development, the FIR pending in Crime No.15 of 2023 pending on the file of the 1st respondent can be quashed on the ground of compromise between the parties in terms of the settlement agreement dated 29.02.2024.

5.In view of the above, FIR in Crime No.15 of 2023 pending



Crl.O.P.No.816 of 2024

investigation on the file of the 1st respondent is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

06.03.2024

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1.State Rep by
The Inspector of Police,
Thiruvottiyur,
Chennai – 600 019.

2.The Public Prosecutor,
Madras High Court,
Chennai.

N.ANAND VENKATESH, J.



WEB COPY



Crl.O.P.No.816 of 2024

krk

Crl.O.P.No.816 of 2024

06.03.2024