



Crl.O.P.(MD)No.21640 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21640 of 2024

1.Rajeswari
2.Mahendran

: Petitioners

Vs.

1.State of Tamil Nadu
rep., by The Commissioner of Police,
Trichy City, Trichy.

2.The Inspector of Police,
All-Women Police Station,
Srirangam, Trichy City.

3.Hari Prasath

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the second respondent not to harass the petitioner under the guise
of enquiry on the complaint foisted by the third respondent.

For Petitioners : Mr.T.Leninkumar



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For R1 & R2 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

For R3 : Mr.M.I.Javid Akbar

ORDER

This Court on 10.12.2024 had passed the following order:

“The first petitioner estranged wife of the third respondent has filed this petition seeking not to harass under the guise of enquiry on the complaint foisted by the third respondent.

2. The contention of the petitioners is that marriage between the first petitioner and the third respondent was solemnized on 12.03.2014 and out of the wedlock they were blessed with a son namely Shiv Karthick on 04.06.2016. After marriage the third respondent was living with the petitioner and now they living separately. Thereafter the third respondent lodged a compliant before the second respondent and CSR No.377 of 2024 assigned. During enquiry it was agreed that in one month for first two weeks the child will be with the first petitioner and for next two weeks the child will be with the third respondent. Further under the guise of enquiry the petitioner had been forced and harassed.



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3. *The learned counsel appearing for the third respondent submitted that the first petitioner and the third respondent were living happily and thereafter due to some misunderstanding they got separated and thereafter considering the welfare of the child it was decided that in one month for first two weeks the child will be with the first petitioner and for next two weeks the child will be with the third respondent. This being so, the brother of the first petitioner/second petitioner herein for obvious reasons preventing the third respondent from meeting his minor son. His minor son also informed him about the illegal detention and not allowing him to attend the school. Since the mobile number of the third respondent was given in the school the school management is regularly sending messages that his son is not attending the school for which the third respondent has given complaint to the Child Welfare Committee and the petitioners after receiving summons now avoiding to appear before the respondent police and terming it as harassment.*

4. *The learned Additional Public Prosecutor submitted that it is dispute between the husband and the wife with regard to the custody of the child. The petitioners were served with summons but they failed to appear and filed this petition.*



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5. The learned counsel appearing for the first petitioner and third respondent submitted that it is matrimonial dispute between the husband and wife and the issue could be resolved if the matter is referred to the Mediation and Conciliation Centre attached to this Bench.

6. In view of the same, the first petitioner and the third respondent is directed to appear before the Mediation and Conciliation Centre attached to this Bench on 16.12.2024. The mediation centre is directed to complete the mediation process within a period of three weeks from 16.12.2024 and send a report to this Court.

7. Post the matter before this Court on 21.01.2025.”

2. Pursuant to the same, today i.e., on 21.01.2025, mediation report dated 20.01.2025 had been produced, which reads as follows:



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Tamilnadu Mediation and Conciliation Centre,
Madurai Bench of Madras High Court, Madurai

SETTLEMENT AGREEMENT

This Settlement Agreement entered into on 20th day of January, 2025

between

RAJESWARI

and

HARI PRASHANTH



WHEREAS

1. Disputes and differences had arisen between the parties hereto and Crl.O.P.(MD)NO. 21640 of 2024 was filed on 02.12.2024 before the Madurai Bench of Madras High Court.

2. The matter was referred to Mediation and Conciliation vide an order dated 10.12.2024 passed by the Hon'ble Mr. Justice NIRMAL KUMAR.

3. The parties agreed that S.KANASHRAJAN would act as their Mediators.

4. Several meetings were held, during the process of Mediation from 06.01.2025 to 20.01.2025 the parties have with the assistance of the Mediator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

5. The parties hereto confirmed and declared that they have voluntarily and of their own free will arrived at this settlement in the presence of the Mediators.



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6. The following settlement has been arrived between the parties hereto:

- Petitioner submit her report.
- Respondent also submits his report.

7. By signing this Agreement the Parties hereto state that they have no further claims or demands against each other with respect to Crl.O.P.(MD)NO. 21640of 2024 and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Mediation.

DATE: 20.01.2025.

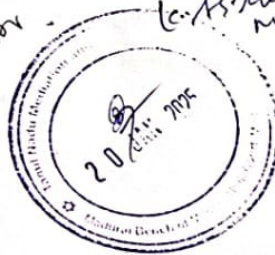
PARTIES' SIGNATURE : (Petitioner)

(Respondent)
[counsel for petitioner]

COUNSELS' SIGNATURE: (Petitioner)

(Respondent)
[counsel for Respondent(R3)]

[Handwritten signature of Counsel for Petitioner]



[Handwritten signature of Counsel for Respondent]



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3. It is seen that now the issue, which was referred to the Mediation, had been resolved and hence, this Criminal Original Petition is closed. With regard to other right of the petitioners as well as the third respondent, it is for them to approach the appropriate forum seeking for remedy.

21.01.2025

NCC : Yes/No
Index : Yes / No
Rmk

To

- 1.The Commissioner of Police,
Trichy City, Trichy.
- 2.The Inspector of Police,
All-Women Police Station,
Srirangam, Trichy City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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