

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

CRL.R.C.Nos.1304 and 1168 of 2014
and M.P.Nos.1+1 of 2014

R.T.Dinesh ... Petitioner
in CrlRC.No.1304 of 2014

Niranjani ... Petitioner
in CrlRC.No.1168 of 2014

vs.

Niranjani ... Respondent
in CrlRC.No.1304 of 2014

R.T.Dinesh ... Respondent
in CrlRC.No.1168 of 2014

PRAYER: Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code to set aside the Judgment passed in C.A.No.115 of 2013 dated 8.7.2014 on the file of the learned XIX Additional Sessions Judge, City Civil Court, Chennai, confirming the order passed in DVC.No.1 of 2010 dated 11.6.2013 on the file of the learned XV Metropolitan Magistrate, Chennai.

For Petitioner : Mr.S.V.Vijay Prashanth
in CrlRC.No.1304 of 2014

Mr.P.Ezhil Nilavan
in CrlRC.No.1168 of 2014

For Respondent : Mr.P.Ezhil Nilavan
in CrlRC.No.1304 of 2014

Mr.S.V.Vijay Prashanth
in CrlRC.No.1168 of 2014

COMMON JUDGMENT

Material on record discloses that wife has filed D.V.No.1 of 2010 on the file of the learned XV Metropolitan Magistrate, George Town, Chennai, under Sections 18, 19, 20(1) and 22 of the Protection of Women from Domestic Violence Act, 2005, for various reliefs.

2.After considering the case, by order dated 11.06.2013, the learned XV Metropolitan Magistrate, Chennai, has ordered that the husband to pay a sum of Rs.25,000/- per month, as monthly maintenance and further that the husband has directed to provide the same level of alternate accommodation and further ordered for lump sum monetary compensation of Rs.50,00,000/-.

3.Being aggrieved by the same, husband has filed Crl.A.No.115 of 2013 on the file of the learned XIX Additional Sessions Judge, Chennai. By order dated 08.07.2014, the appellate authority has modified the monetary relief as Rs.5,00,000/-. On other reliefs namely, monthly maintenance and alternate accommodation, the order of the Lower Court has been confirmed.

4.Being aggrieved by the monetary relief, as well as the other orders, for monthly maintenance, and alternate accommodation, husband has filed the present Crl.RC.No.1304 of 2014.

5.Not satisfied with the reduction in the monetary relief, wife has filed CrlRC.No.1168 of 2014.

6.Record of proceedings shows that both the Criminal Revision Cases, stated supra, have been clubbed together.

7.Now, parties seemed to have entered into a compromise and a joint memorandum dated 16.02.2015 duly signed by them, their respective parents and the learned counsel appearing for them, has been filed in this Court.

8.Terms of agreement, as per the joint memo dated 16.02.2015, are as follows:

- "The terms as agreed between the parties are as under;
- a) Dinesh shall pay a sum of Rs.30,00,000/- (Rupees Thirty Lakhs Only) to Niranjani as full and final settlement; The said amount is paid by way of Demand draft with D.D.No.202544 dated 14.03.2015, Andra Bank, Pammal Branch and Niranjani acknowledges the receiving of the D.D.
 - b) Both parties agrees that neither of them have or will make any future claims against the other in the future;
 - c) Both parties have condoned the acts of each other and their respective families and will not initiate any actions

in the future;

d) Dinesh shall withdraw O.P.No.419 of 2010 filed by him for divorce, on the file of Hon'ble sub-court tambaram and the same was transferred to the Principal Family Court, Chennai, and the O.P.No.1089 of 2013 is pending on the file of the Principal Judge, Family Court, Chennai.

e) Niranjani shall withdraw O.P.No.1045 of 2012 filed by her for restitution of conjugal rights, pending on the file of the Principal Judge, Family Court, Chennai.

f) Both parties agree that they will file a petition for divorce by mutual consent u/s.13B of the Hindu Marriage Act within a period of two weeks from today and the 13-B petition was also signed today (16.03.2015).

g) Both parties state that they are entering into this Joint Memo out of free will, consent, volition and that there is no threat, coercion, undue influence or duress.

h) There is no child born through the wedlock between the parties.

i) Both parties agree that they shall be bound by this Joint Memo and the orders passed by this Hon'ble Court in terms of this Joint Memo.

j) In the event of any of the parties hereto acting contra to the terms of this Joint Memo, the other party is at liberty to approach this Hon'ble Court for appropriate reliefs including an action for contempt."

9.Memorandum of Compromise, dated 16.02.2015, entered into between the parties, shall form part of the record.

10.Inasmuch as the parties have arrived at a compromise, as per the terms, as stated supra, both CrI RC.Nos.1168 and 1304 of 2014 have to be disposed of, in terms of the above compromise memo dated 16.02.2015.

11.Demand Draft No.202544, dated 14.03.2015, drawn on Andhra Bank, 1279 Pammal Branch, Chennai, in favour of Ms.K.Niranjani, filed in this Court, is duly acknowledged by the wife.

As the parties have entered into a compromise and recorded in these Criminal Revision Cases, the same shall form part of the record in the present proceedings. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mps

To

1.The XIX Additional Sessions Judge,
City Civil Court,
Chennai.

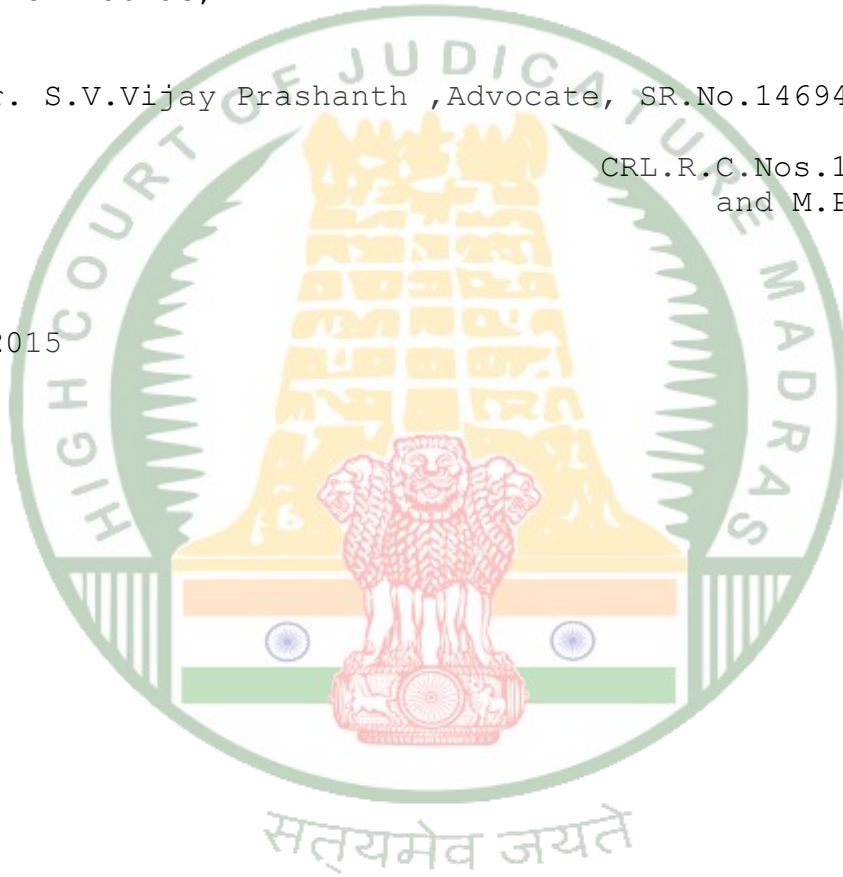
2.The XV Metropolitan Magistrate,George Town
Chennai.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

1 cc to Mr. S.V.Vijay Prashanth ,Advocate, SR.No.14694

CRL.R.C.Nos.1304&1168 of 2014
and M.P.Nos.1+1 of 2014

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