

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.1898 of 2012

ORDER:

This Criminal Revision Case is directed against the judgment dated 07.08.2012 in Crl.A.No.349/2011 on the file of the Court of Sessions Division, Nellore-V Additional Sessions Judge, Nellore, by and under which, the learned Sessions Judge enhanced the maintenance granted by the trial Court passed in DVC.No.5/2010, dated 15.11.2011.

Both the petitioner/husband and the 1st respondent/wife are present in the Court. Heard both parties.

Petitioner is the husband and the 1st respondent is the wife and their marriage took place on 25.04.2008 and they were blessed with a female child by name Joshitha. After the marriage, due to some disputes they started living separately and some cases were filed by the wife and one of the cases was DVC.No.5/2010 on the file of the II Additional Judicial Magistrate of First Class, Nellore. The learned Magistrate, by order dated 15.11.2011 awarded a sum of Rs.2,000/- per month towards residence and a sum of Rs.3,000/- per month towards maintenance to the wife. Aggrieved thereby, the wife filed Crl.A.No.349/2011 before the Sessions Court, Nellore and by judgment dated 07.08.2012, the learned Sessions Judge enhanced the maintenance from Rs.2,000/- to Rs.5,000/- towards residence and from Rs.3,000/- to Rs.10,000/- towards maintenance to the wife, and in addition, awarded maintenance @Rs.5,000/- to the female child from the date of filing of the petition. Aggrieved by the same, the petitioner/husband filed the present revision.

It is brought to the notice of this Court that the revision petitioner/husband subsequently filed HMOP.No.14/2014 on the file of

the Senior Civil Judge, Kovur seeking divorce on the ground of cruelty and desertion. Both parties stated that in the said HMOP both of them entered into compromise and obtained decree of divorce on mutual consent on 29.04.2015. It is stated that under the settlement arrived at between the parties, the petitioner/husband paid Rs.13 lakh to the wife and also deposited a sum of Rs.5 lakh in the name of minor child towards full and final settlement for all past and future claims. In that view of the matter, the 1st respondent/wife is not intending to proceed with the present proceedings and both parties requested to close the matter.

In view of the settlement arrived at between the parties out of court and no criminal proceedings are pending as of now except the present case between the parties, the Criminal Revision Case is disposed of. The judgments of the appellate Court dated 07.08.2012 in Crl.A.No.349/2011 as well as the trial Court dated 15.11.2011 in DVC.No.5 of 2010 are set aside.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 16.12.2015
Dsr