

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2017

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.No.341 of 2017

and

Crl.M.P.No.3260 of 2017

1. K.Jagatheesh

2.Ramachandra Naidu

3.K.Anusuya

4.Mrs.Parimala

5.Mrs.Shyamala

... Petitioners

vs

Mrs.Sarala

... Respondent

Criminal Revision case filed under sections 397 and 401 of Cr.P.C to set aside the order dated 12.01.2017 passed in Crl.A.No.52 of 2016 by the learned Principal District and Sessions Judge, Thiruvallur and confirming the order dated 01.09.2016 passed in Crl.M.P.No.5084 of 2014 on the file of the learned Judicial Magistrate No.I, Thiruvallur.

For Petitioner : Mr.Vivekanandan

For Respondent : Mrs.R.Mahalakshmi

ORDER

The criminal revision has been filed to set aside the order dated 12.01.2017 passed in Crl.A.No.52 of 2016 by the learned Principal District and Sessions Judge, Thiruvallur, confirming the order dated 01.09.2016 passed in Crl.M.P.No.5084 of 2014 on the file of the learned Judicial Magistrate No.I, Thiruvallur.

2. The brief facts of the case are as follows:

(i)The respondent herein filed a petition against the petitioners under the Domestic Violence Act, 2005 in Crl.M.P.No.5084 of 2014 on the file of the learned Judicial Magistrate No.I, Tiruvallur seeking various reliefs, and the trial Court allowed the petition restraining the petitioners herein from committing any act of domestic violence or abetting the commission of act of domestic violence, and further restraining them from entering any place of her employment, also directed them to provide residence to respondent herein.

(ii)The trial Court further directed the first petitioner herein to pay a sum of Rs.5,000/- towards maintenance to the respondent herein from the date of filing of the petition.

(iii)Challenging the above order, petitioners herein filed an appeal in Crl.A.No.52 of 2016 on the file of the learned Principal District and Sessions Judge, Thiruvallur. The lower appellate Court dismissed the said appeal, thereby confirming the order passed by the trial Court, against which, the present Criminal Revision has been filed by the petitioners.

3. Pending the revision before this Court, the petitioners and the respondent have settled their dispute, and entered into a Memo of Compromise, as per the settlement arrived by both parties. Accordingly, a Memo of Compromise dated 30.06.2017 has been filed by both parties. As per the Memo of Compromise the petitioners have agreed to hand over the marriage expenses and Sridhana properties including the amount of Rs.5,00,000/- to the respondent and the respondent also agreed to receive the same. The respondent further agreed to withdraw the case filed by her against the petitioners herein and also agreed to give consent before the learned Subordinate Judge, Thiruthani in

H.M.O.P.No.15 of 2017 filed for divorce, the respondent also agreed that she will not make any further claim in respect of the petitioners' property. The said Memo of Compromise and Settlement has been signed by the petitioners, the respondent and their respective counsel.

4. The relevant portion of the Memo of Compromise and Settlement filed by both the parties reads as follows:

"Compromise and settlement is made this the 30th day of June 2017 between Mr.K.Jagatheesh S/o.K.Ramachandra Naidu (45) residing at Raja Padmapuram, Manavur (post), Tiruttani Taluk is called as first party, and Mrs.Sarala, D/o of Sengaiah Naidu (40) Pandur, Thiruvallur Taluk and district is called as second party therein.

The marriage between petitioner/first party and respondent/second party was solemnized on 04.03.2012, due to

misunderstanding the both first and second party could not continue their marriage life. Therefore, both of them decided to get divorce mutually. First party has agreed to handover marriage expenses and sridhana including settlement amount Rs.5,00,000/- (Five Lakhs only) to the second party on 30.06.2017. After receiving sridhana's and marriage expenses including settlement amount the second party agreed to withdraw all the case filed against first party and their family members. Accordingly, the first party paid settlement amount Rs.5,00,000/- (Five Lakhs only) and sridhana to the Second Party on 30.06.2017. The second party should withdraw all the cases filed against the first party and their family member. The second party also should give her consent before the Thiruthani Sub Court in H.M.O.P.No.15 of 2017 for divorce on

04.07.2017. It is also further declared that the second party should not make any further claim in respect of first party property in future. The list of Article is enclosed in the annexure.

The memo compromise and settlement arrived between the first and second parties and with family friend. It is also further declared that this memo of compromise and settlement is executed with full conscious and willingness of the both parties and not under the compulsion (or) coercion. This memo of compromise and settlement shall not be cancelled by either of the parties in future and the settlement deed between the said parties is irrevocable."

5. Today, before this Court, the respondent has agreed to receive a sum of Rs.5,00,000/- and also the Sridhana property and she has also

agreed to withdraw all the cases filed by her before the Court concerned and she has further agreed to give consent for divorce to her husband Jagatheesh.

6. The Memo of compromise and settlement filed by both parties is recorded and the same shall form part of the order.

7. The learned counsel for the petitioners submitted that a direction may be issued to dispose of the petition seeking divorce by mutual consent under Section 13 B of the Hindu Marriage Act in H.M.O.P.No.15 of 2017 on the file of the learned Subordinate Judge, Thiruthani.

8. Considering the request made by the learned counsel for the petitioner, the learned Subordinate Judge, Thiruthani is directed to dispose the said H.M.O.P.No.15 of 2017 on the file of the learned Subordinate Judge, Thiruthani and pass orders as expeditiously possible.

9. The Criminal Revision Petition is disposed of recording the Memo of Compromise entered between the parties. Consequently, connected miscellaneous petition is closed.

30.06.2017

Index:Yes/No

Note to office:
Issue order copy on 29.08.2017
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To

1. The Principal District and Sessions Judge,
Thiruvallur.
2. The Judicial Magistrate No.I,
Thiruvallur.
3. The Subordinate Judge,
Thiruthani.
4. The Public Prosecutor,
High Court, Madras.



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