

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.10.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C.No.589 of 2014

and

M.P.No.1 of 2014

1.Mahipal Pandia
2.S.Ramnkilal Pandia
3.Mrs.Kamala Pandia

... Petitioners

-Versus-

Mrs.Daksha Pandia

... Respondent

Revision Case filed under Sections 397(1) r/w 401 of Cr.P.C. to call for the entire records relating to the case in C.A.No.257 of 2011 on the file of the learned I Additional Sessions Judge, Chennai, and set aside the order dated 13.12.2013 passed therein by the learned V Additional Sessions Judge, Chennai, modifying the order dated 27.09.2011 passed by the learned VI Metropolitan Magistrate in C.C.No.1406 of 2010 and set aside the order of the learned Metropolitan Magistrate in its entirety.

For Petitioners : Mr.R.Narendran

For Respondent : Mr.T.Benny Ebenezer

ORDER

This revision has been filed challenging the order of the learned V Additional Sessions Judge, Chennai, made in C.A.No.257 of 2011 on 13.12.2013 modifying the order made by the learned VI Metropolitan Magistrate, Chennai, on 27.09.2011 in C.C.No.1406 of 2010.

2. The respondent/wife filed a petition seeking various reliefs under provisions of The Protection of Women from Domestic Violence Act, 2005 before the learned VI Metropolitan Magistrate, Egmore, Chennai, who in turn, took cognizance of the same in C.C.No.1406 of 2010 for offences under 18, 19 and 20 of the Act. The learned Magistrate ,after full-fledged inquiry, passed the following order:-

"In the result, the petition is allowed.

(1) granting injunction prohibiting the respondents from doing any act of domestic violence against the petitioner any further.

(2) directing the respondents not to disposes the petitioner from her matrimonial home at Door No.74, EVK Sampath Road, Vepery, Chennai 600 007.

(3) directing the respondents to return to the petitioner 600 grams of gold jewelry and the silver articles as shown under Ex.P-3 series, the share certificates as shown under Ex.P.21, the PAN card and the Passport of the petitioner and the Passports of her children within a prescribed period of two months from today, i.e., by 26.11.2011.

(4) directing the respondents to pay to the petitioner as monthly maintenance a sum of Rs.90,000/- (Rupees Ninety Thousand only) for her and her children on or before the 10th day of every succeeding English Calendar month and also to pay the petitioner the arrears of maintenance for the period from 03.03.2010, the date of petition, to 27.09.2011, the date of order, within a period of three months from today, i.e., by 26.12.2011, and

(5) directing the respondents to pay a compensation of Rs.50,00,000/- (Rupees Fifty Lakhs only) to the petitioner, within a period of four months from today, i.e., by 26.01.2012."

3. Challenging the above said order of the learned Magistrate, the 1st petitioner/husband along his parents filed an appeal in C.A.No.257 of 2011 before the learned V Additional Judge, Chennai and the Additional Judge, by order dated 13.12.2013, partly allowed the appeal thereby modifying the order of the learned Metropolitan Magistrate which reads as follows:-

"14. In the result, this appeal is partly allowed and the monthly maintenance of Rs.90,000/- is reduced and modified to the extent of rs.60,000/- (Rupees Sixty Thousand only) and the other orders in the said clause (iv) remains unlatated. The compensation of Rs.50,00,000/- is modified and reduced as that

the appellants are directed to pay Rs.10,00,000/- (Rupees Ten Lakhs only) within four months period from the date of this judgment. The other clauses (1) to (iii) in the trial court's order remain unaltered."

4. Further, aggrieved by the judgment of the appellate court partly allowing the criminal appeal and modifying the order to the extent as extracted above, the present criminal revision has been filed by the husband and the parents-in-law of the respondent herein.

5. Today, when the matter came up for hearing, the learned counsel for the petitioners submitted that the dispute has been settled between the parties amicably and that they have entered into a joint compromise memo. The joint memo of compromise entered into between the parties has been filed. Both the 1st petitioner and the respondent are present. The learned counsel for the respondent also conceded the above said position.

6. On inquiry, both the 1st petitioner and the respondent submitted that, pending revision, they filed a petition in O.P.No.347 of 2017 before the III Additional Family Court, Chennai, for divorce by mutual consent. The respondent has specifically stated that she does not want to prosecute the revision further and she prayed to this court that the revision may be allowed recording the joint memo of compromise.

7. In the result, the criminal revision petition is allowed, accordingly, recording the compromise entered into between the 1st petitioner and the respondent and the judgments of both the courts below are set aside. The joint memo of compromise filed by the parties shall form part of this order. Consequently, connected MP is closed.

*Herein enclose xerox copy of
the Memo of Compromise

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kmk

To

1 The V Additional Sessions Judge Chennai

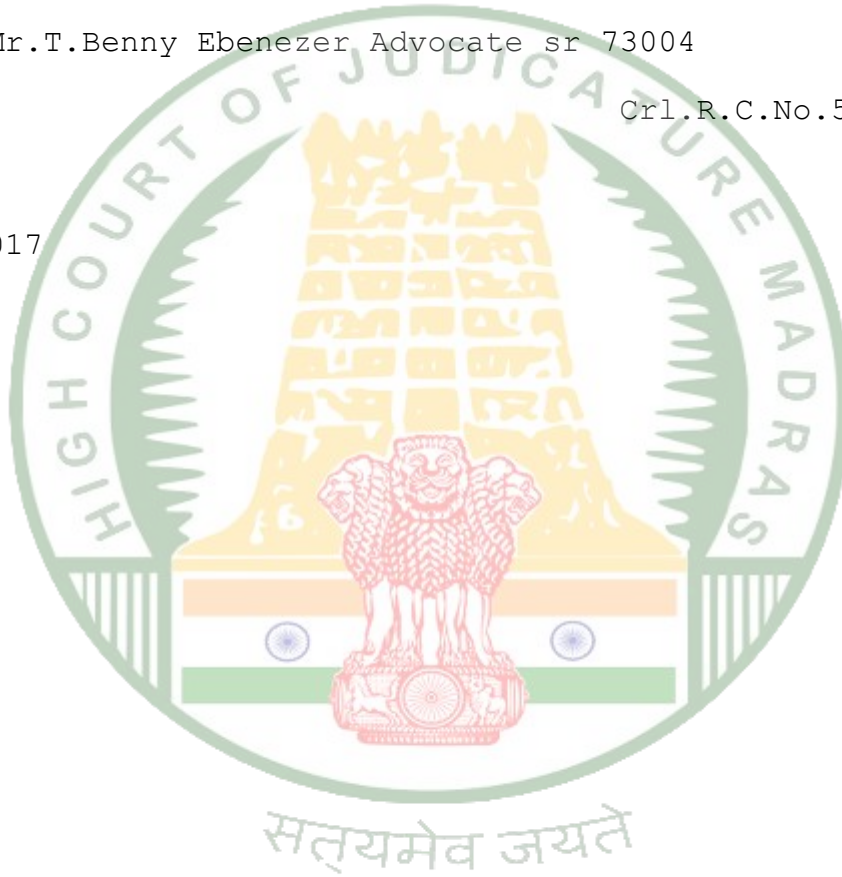
2.The VI Metropolitan Magistrate
Egmore Chennai

3.The Is Additional Sessions Judge Chennai

+1 cc to Mr.T.Benny Ebenezer Advocate sr 73004

Crl.R.C.No.589 of 2014

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