



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.04.2017**

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)Nos.8565 and 8566 of 2016
and Crl.R.C.(MD) No.566 of 2016 &
Crl.M.P.(MD) Nos.4139 to 4142 of 2016 in
Crl.O.P.(MD)No.8565 of 2016
Crl.M.P.(MD) Nos.7063, 8685 & 8686 of 2016 in
Crl.R.C.(MD)No.566 of 2016

1. Rameshkumar
2. Jeyanthi
3. Kalaivanan

... Petitioners/A1,A7,A8 in Crl.O.P.(MD)
Nos.8565 and 8566 of 2016

-vs-

Cheryl Antonet Coombes ... Respondent/Complainant in Crl.O.P.(MD)
Nos.8565 and 8566 of 2016

Rameshkumar.. Petitioner/Respondent in Crl.R.C.(MD)No.566 of 2016

-vs-

1. Cheryl Antonet Coombes
2. Rosanna Antonet ... Respondents/Petitioners in Crl.R.C.(MD)
No.566 of 2016

Prayer in Crl.O.P.(MD)8565/2016: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for records in proceedings in C.C.No.79 of 2014 before the Additional Mahila Court, Trichy and quash the same.

Prayer in Crl.O.P.(MD)8566/2016: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for records in proceedings in M.C.No.61 of 2014 before the Additional Mahila Court, Trichy and quash the same.

Prayer in Crl.R.C.(MD)566/2016: Criminal Revision Petition is filed under Sections 397 & 401 of the Code of Criminal Procedure praying to call for the records and set aside the order of awarding maintenance in M.C.No.98 of 2014 dated 26.02.2016 on the file of Family Court , Trichy by allowing the Criminal Revision Petition.

<https://hcservices.ecourts.gov.in/hcservices/> For Petitioners

in all the Petitions : Mr.A.Robinson



For Respondents
in all the Petitions : Mr.B.Jameel Arasu

C O M M O N O R D E R

The parties were referred to the Tamil Nadu Mediation and Conciliation Centre, where they have arrived at a settlement, terms of which, are as under:

"Petitioner No.1/Husband (Rameshkumar) and the Respondent/wife (Cheryl Antonet Coombes) are present today for the Mediation and have mutually arrived at a settlement on the following terms and conditions:

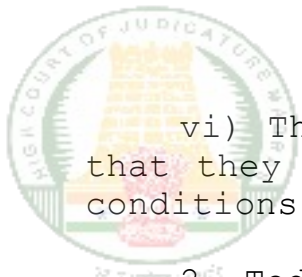
I) The Ist Petitioner/Husband has agreed to pay a sum of Rs.21,00,000/- (Rupees Twenty One Lakhs only) as a full and final settlement to the Respondent/Wife and the Minor Child Rosanna Annette, a permanent alimony and the Respondent either for herself or on behalf of Minor Child will not claim any maintenance amount from the Ist Petitioner in future other than this amount.

II) The Ist Petitioner today has paid a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the Respondent and Minor Child and out of which, Rs.3,00,000/- (Rupees Three Lakhs only) by way of Demand Draft bearing no.504441/dated.01.12.2016 drawn on ICICI Bank, M.G.Road Branch, Bangalore and Rs.1,00,000/- (Rupees One Lakh only) by way of Cash for which Respondent issued a receipt in favour of the Ist Petitioner in the copy of the D.D itself.

III) The Ist Petitioner has no objection to withdraw the amount of Rs.3,60,000/- (Rupees Three Lakhs and Sixty Thousand only) which was paid and lying in the credit of M.C.No.98/2014 on the file of Family Court, Trichy and the respondent wife agrees for an order of compromise to be passed by this Hon'ble Court in Crl Rc(MD).No.566 of 2016 pending on the file of this Hon'ble Court.

(iv) The 1st petitioner agrees to hand over the LIC Policy in policy No. 755485552 dated 19.12.2008 that stands in the name of the minor Child Rosanna Annette and the value of the Policy is sum assured Rs.2,00,000/- (Rupees two lakhs) and its matured with bonus amount expecting Rs.4,70,000/- in case the matured with bonus amount is become in low of Rs.4,70,000/-, the 1st petitioner also agrees to pay the balance different amount to the respondent as per the opinion of LIC Office and balance premium amount towards the said policy and the said amount shall be deposited in any of the bank in name of the Minor Rosanna Annette and the respondent can operate that said account as a guardian only to pay the future Premium to the LIC.

v) The petitioner agrees to pay the remaining sum of Rs.8,70,000/- (Rupees Eight Lakhs and seventy thousand only) on or before 28.02.2017 or at time of granting decree of divorce by the Learned Family Court, Trichy in I.D.O.P.No.32/2016 which is now pending in the court of the Learned Family Court, Trichy. The said amount shall be paid under DD in favour of Cheryl Antonet Coombes for the welfare and expenses of the Minor child Rosanna Annette only.



vi) The 1st petitioner and the respondent have mutually agreed that they will not commit any breach of the above said terms and conditions."

2. Today, both the parties are present. The parties have filed a receipt, which reads as under:

"RECEIPT

The 1st petitioner today 03.04.2017 handing over the Demand Draft No.503073 drawn on I.C.I.C.I Bank, Contonment, Trichy for a sum of Rs.1,15,882/- dated 03.04.2007 to the respondents (in Crl.O.P.(MD) No.8565, 8566 of 2016 and Crl.R.C.(MD) No.566 of 2016). The above said amount is the future installments going to be paid in the Life Insurance Policy in Policy No.755485552 stands in the name of Minor Child Rosanna Annette."

3. From the above, it is seen that Rameshkumar has to pay Rs.8,70,000/- to Cheryl Antonet Coombes in IDOP No.32 of 2016, which is pending on the file of Family Court, Trichy.

4. In view of the above, these petitions are allowed and the following orders are passed:

i) The proceedings in C.C.No.79 of 2014 pending on the file of the learned Additional Mahila Court, Trichy is hereby quashed in toto against all the accused;

ii) The proceedings in M.C.No.61 of 2014 pending on the file of learned Additional Mahila Court, Trichy is hereby quashed against all the respondents;

iii) The order dated 26.02.2016 in M.C.No.98 of 2014 passed by the learned Family Court Judge, Trichy is set aside with liberty to Cheryl Antonet Coombes to withdraw the amount deposited before the Family Court, Trichy with accrued interest, if any. Consequently, connected miscellaneous petitions are closed.

SD/-

ASSISTANT REGISTRAR(CS-III)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

1. The Additional Mahila Court, Trichy.

2. The Family Court Judge,
Trichy.

+6 CC TO MR.A.ROBINSON, ADVOCATE, SR NOS.19158,19159&19157

+1 CC TO MR.B.JAMEEL ARASU, ADVOCATE, SR NO.19059

Ar

MAS/SV-MMS:25.04.2017:3P-11C

Crl.O.P.(MD)Nos.8565 and 8566 of 2016
and Crl.R.C.(MD) No.566 of 2016
03.04.2017