



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C. (MD)No.648 of 2016

S.Kumar

: Petitioner

Vs.

K.Marysnow Christar

: Respondent

**Prayer :** Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure to admit this revision on file, to call for the records on the file of Chief Judicial Magistrate, Thoothukudi, in M.C.No.52 of 2013, dated 14.06.2016 and set aside the same by allowing this revision.

For Petitioner : Mr.S.Muthalraj

For Respondent : No Appearance

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### O R D E R

For the sake of convenience, the parties will be referred to by their name.

2. Kumar married Marysnow Christar on 04.09.2012 under Christian Law and their marriage ran into rough weather resulting in these spouses getting estranged. Marysnow Christar filed M.C.No.52 of 2013 before the learned Chief Judicial Magistrate, Thoothukudi, under Section 125 of the Code of Criminal Procedure against Kumar, in which, final orders were passed on 14.06.2016, awarding monthly maintenance of Rs.2,000/- in favour of Marysnow Christar. Challenging the order, Kumar has filed Crl.R.C.(MD)No.648 of 2016.

3. During the pendency of the Criminal Revision Case, the parties were referred to the Mediation Centre. There, they seem to have arrived at the following settlement:

**"1.The Petitioner/Husband S.Kumar offered to give a lumpsum maintenance of Rs.1,15,000/- (Rupees One Lakh Fifteen Thousand only) to the Respondent/Wife K.Mary Snow Christa and she agreed for the same amount. In view of the above settlement an amount of Rs.1,00,000/- (Rupees One Lakh only) transferred from Indian Bank, High Court Branch at Madurai through RTGS to her A/c.No.6336723639 in Indian Bank, Beach Branch, Tuticorin today on 01.03.2017, for the remaining amount of Rs.15,000/- (Rupees Fifteen Thousand only) a Cheque No.532813 dated 01.03.2017 drawn on Indian Bank, Melur**



Branch, Tuticorin District, issued by the mother of the Petitioner/Husband and received the same by the Respondent/Wife.

2. In view of the above said settlement, both the parties agreed to allow the C.M.A.(MD)No.139/2016 and CrI.R.C.(MD)No.648 of 2016 before this Court.

3. The Respondent/Wife give consent to record "Dismissed as Withdrawn" in the proceedings in D.V.C.No.6/2014 before the Judicial Magistrate Court-II, Tuticorin.

4. Both parties agreed that no claims will be raised in this regard in future."

4. Today, both the parties are present and they are identified by counsel Mr.S.Muthalraj, EN.M.S.No.1531/2001, Chamber No.8, High Court, Madurai.

5. When questioned by this Court, Marysnow Christar stated that she received the amount under the mediation agreement.

6. In view of the above, this Criminal Revision Case is allowed and the order dated 14.06.2016 in M.C.No.52 of 2013 passed by the learned Chief Judicial Magistrate, Thoothukudi, is set aside.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate,  
Thoothukudi.

+1cc to Mr.S.Muthalraj Advocate in SR. No.61036

SML

JS/GT/SAR.2/7.7.2017/2P-3C

Order made in  
**CrI.R.C. (MD)No.648 of 2016**  
**19.06.2017**