

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE N.BALAYOGI

+ Family Court Appeal Nos.267 and 358 of 2013,
and 35 of 2014
along with
Criminal Petition Nos.5753 and 5756 of 2017

% 14-7-2017

Smt. Gaddameedi Srilatha, W/o Thota Siva Kumar,
Aged about 28 years, R/o Flat No.101, STU Bhavan,
Veerabhadra Nagar-1, Beside Petrol Bunk,
Near New Bus Station, Sanga Reddy, Medak District
... Appellant in FCA Nos.267/2013 & 35/2014

Thota Siva Kumar, S/o T.Hanumaiah, Aged 34 years,
R/o Flat No.204, Pratap Residency, H.No.6-1-192,
Walker Town, Padmaraonagar, Secunderabad
... Appellant in FCA No.35/2014

T.Siva Kumar, S/o T.Hanumaiah, Aged 41 years,
Occ: Private Service, Pratap Residency, Walker Town,
Padmaraonagar, Secunderabad, presently residing at
Plot No.140, BDL Colony, Vanasthali Puram, Hyderabad
... Petitioner/A.1 in CrI.P.Nos.5753 & 5756/2017

Vs.

\$ Thota Siva Kumar, S/o T.Hanumaiah, Aged 34 years,
R/o Flat No.204, Pratap Residency, H.No.6-1-192,
Walker Town, Padmaraonagar, Secunderabad
... Respondent in FCA Nos.267/2013 & 35/2014

Smt. Gaddameedi Srilatha, W/o Thota Siva Kumar,
Aged about 28 years, R/o Flat No.101, STU Bhavan,
Veerabhadra Nagar-1, Beside Petrol Bunk,
Near New Bus Station, Sanga Reddy, Medak District
... Respondent in FCA No.35/2014

Thota Srilatha, W/o Thota Siva Kumar,
Aged 33 years, Occ: Sr. Asst., DM& H Dept.,
R/o H.No.Plot No.101, STU Bhavan,
Veerabhadra Nagar-1, Sanga Reddy, Sangareddy District
... R.1 in CrI.P.Nos.5753 & 5756/2017

The State of Telangana, Through PS Sangareddy Town,
Rep. by its Public Prosecutor, High Court at Hyderabad
... R.2 in CrI.P.Nos.5753 & 5756/2017

! Counsel for appellant in FCAs.267/2013 & 35/2014,
for respondent in FCA.358/2013 & for R.1 in
Crl.P.Nos.5753 and 5756 of 2017: Mr. VSR Anjaneyulu

Counsel for respondent in FCAs.267/2013 & 35/2014,
for appellant in FCA.358/2013 & for petitioner/A.1 in
Crl.P.Nos.5753 and 5756 of 2017: Mr. V.Sudhakar Reddy

< Gist:

> Head Note:



? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE N.BALAYOGI

Family Court Appeal Nos.267 and 358 of 2013,
and 35 of 2014
along with
Criminal Petition Nos.5753 and 5756 of 2017

Common Judgment: (per V.Ramasubramanian, J.)

The parties to the above three family court appeals and the criminal petitions are husband and wife respectively. The marriage between the parties was solemnized according to the Hindu customary rites on 12-6-2009. The parties do not have any children born in the wedlock.

2. It appears that disputes and differences arose between the parties, which led to the parting of ways ever since 14-6-2010. While the husband filed F.C.O.P.No.95 of 2011 on the file of the Family Court, Secunderabad, for dissolution of marriage, the wife filed F.C.O.P.No.613 of 2011 for restitution of conjugal rights.

3. By a common order dated 23-7-2013, the Family Court granted a decree of divorce, after recording a finding that the husband should pay Rs.13,50,000/- to the wife. The petition for restitution of conjugal rights was dismissed by the Family Court.

4. As against the dismissal of the petition for restitution of conjugal rights and as against the decree of divorce granted by the Family Court, the wife filed two appeals in F.C.A. Nos.267 of 2013 and 35 of 2014. The husband filed an appeal

in F.C.A.No.358 of 2013 against the direction issued by the Family Court to pay Rs.13,50,000/-.

5. Apart from the above appeals, there were also one criminal complaint and one complaint under the Protection of Women from Domestic Violence Act, 2005, pending against the husband. As against the police complaint and the complaint before the Protection Officer, the husband came up with two quash petitions in Criminal Petition Nos.5753 and 5756 of 2017.

6. When the family court appeals came up before the Court for hearing, the Bench explored the possibility of amicable settlement one way or the other. After deliberations, the parties agreed that they will have their marriage dissolved by a decree of divorce passed by consent and that the husband will pay a total amount of Rs.23,00,000/- in full and final settlement of all the claims of the wife. Accordingly, compromise memo was signed by the parties.

The Compromise Memo reads as follows:

“1. It is submitted that the marriage of the appellant with the respondent was solemnized as per Hindu rites and customs on 12-6-2009. No children out of their wedlock.

2. The parties are living separately since 14-6-2010. The respondent filed FCOP No.95 of 2011 on the file of the Family Court, Secunderabad, under Sections 13(1)(i-a) and 13(1)(i-b) of the Hindu Marriage Act, 1955 for dissolution of the marriage. Thereafter, the appellant filed FCOP No.613 of 2011 for restitution of conjugal rights. The Family Court conducted joint trial and passed a common order dated 23-7-2013 dissolving the marriage between the parties and dismissing the petition for restitution of conjugal rights.

3. Aggrieved by the same, the appellant filed FCA No.267 of 2013 and FCA No.35 of 2014 before this Hon’ble Court. The respondent herein filed FCA No.358 of 2013 challenging the part of the order of the Family Court to the extent of giving a finding that the respondent to pay Rs.13,50,000/- to the appellant herein. All the above three appeals are pending before the Hon’ble Court.

4. While the matter stood thus, since the parties herein are living separately for more than seven years and as there is no possibility for reunion, the parties agreed among themselves to settle all the disputes between them pending before this Hon’ble Court and criminal courts as mentioned in clause “d” hereinafter and to dissolve their marriage by mutual consent by entering into a compromise with the following terms and conditions.

TERMS AND CONDITIONS

a) That it has been agreed that the respondent shall pay an amount of Rs.23,00,000/- (Rupees twenty three lakhs only) as full and final settlement towards permanent alimony, maintenance etc., to the appellant. Accordingly, the respondent obtained the following D.Ds in the name of the appellant and will be given to the appellant in the Court Hall.

S.No.	D.D/Bankers Cheque No.	Date	Drawn on Bank	Amount (Rs.)
1	048522	27-6-2017	SBI, Kukatpally, Hyderabad	5,00,000-00
2	975940	28-6-2017	SBI, Old Bowenpally, Secunderabad	5,00,000-00
3	331975	28-6-2017	HDFC Bank, Lakidikapul, Hyderabad	1,00,000-00
4	012544	28-6-2017	HDFC Bank, Vivekananda Nagar Colony, Hyderabad	1,00,000-00
5	331981	29-6-2017	HDFC Bank, Lakidikapul, Hyderabad	1,00,000-00
6	331982	29-6-2017	HDFC Bank, Lakidikapul, Hyderabad	10,00,000-00
Total (Rupees twenty three lakhs only)				23,00,000-00

b) That the appellant do hereby specifically declare and admit that she shall have no right to claim any amount from the respondent either at present or in future towards her maintenance, well being, permanent alimony and/or any rights in the property of the respondent and his

relatives other than the amounts mentioned in clause (a) above.

c) Similarly, the respondent also admits and declares that he shall not claim any right in the property of the appellant or any of her relatives either at present or in future.

Thus both parties do hereby admit and declare that there are no claims of whatsoever in nature by each of them against each other either at present, past or in future and that there are no disputes or disagreements of whatsoever in nature.

d) The appellant hereby undertakes to withdraw and/or cooperate for quashing the proceedings in the following criminal complaints filed by her, which are pending before the respective courts and/or police stations.

i) Crime No.84 of 2011 before the SHO, Sangareddy Town P.S., Sangareddy District (formerly Medak District), telangana State (including the charge-sheet returned to the Police by the Assistant Sessions Judge, Sangareddy to present it before appropriate Court by order dated 24-3-2016 in S.C.No.20 of 2014).

ii) DVC No.23 of 2011 pending on the file of the Additional Judicial First Class Magistrate, Sangareddy.

e) Further, the appellant herein unconditionally undertakes to sign on all the necessary applications/ memos/joint memos/petitions before the Hon'ble High Court or any other appropriate Courts to quash/withdraw the proceedings in the above mentioned criminal cases (d.i & d.ii) without any demur.

f) The parties do hereby declare that except the above mentioned cases no other suit, proceedings or petition pending between them before any Court, Tribunal or Authority.

g) Subject to the decree for dissolution of marriage both the parties are at liberty to lead their respective life in a manner they like including the liberty to remarry with any other person of their choice and also undertake not to indulge in making any further allegations or defamatory statements against each other.

h) It is agreed between the parties that the common judgment delivered by the lower Court which is subject

matter of FCOP No.95 of 2011 and FCOP No.613 of 2011 shall be modified so as to dissolve the marriage dated 12-6-2009 of the appellant and respondent by mutual consent.

As said above both parties entered into this compromise with their free will and consent without any undue influence and coercion of whatsoever in nature having understood all the terms and conditions of compromise.

Sd/-
Appellant
(Gaddameedi Srilatha)

Sd/-
Respondent
(Thota Sivakumar)

Sd/-
Counsel for Appellant

Sd/-
Counsel for Respondent

7. Both parties were present before us. In fact they were present on a couple of occasions earlier, when the proposals and counter proposals were made. Eventually they have agreed upon this compromise.

8. In view of the above, all the appeals and the criminal petitions are disposed of to the following effect:

(i) The common judgment and decree of the Family Court dated 23-7-2013 is modified to the effect that the marriage solemnized between the appellant and the respondent on 12-6-2009 will stand dissolved by a decree of divorce by mutual consent;

(ii) The husband has paid today six Demand Drafts totalling to the tune of Rs.23,00,000/- (Rupees twenty three lakhs only) and the wife present in the Court has accepted the same in full and final settlement of all her claims;

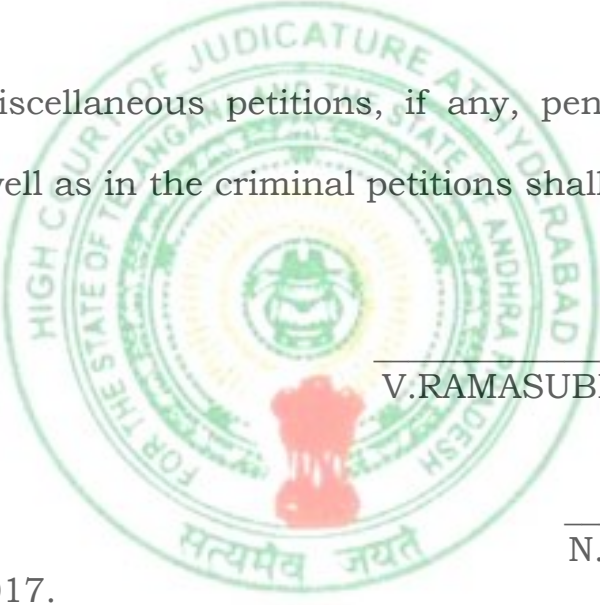
(iii) Criminal Petition Nos.5753 and 5756 of 2017 are allowed, quashing the FIR in Crime No.84 of 2011 on the file

of the Station House Officer, Sangareddy Town Police Station and the complaint in D.V.C.No.23 of 2011 on the file of the Additional Judicial First Class Magistrate, Sangareddy;

(iv) The parties will have no further or other claims against each other and all the disputes between the parties shall be treated as having been amicably settled; and

(v) A copy of this order shall be sent to Sangareddy Town Police Station and to the Additional Judicial Magistrate of First Class, Sangareddy, for appropriate consequential orders.

The miscellaneous petitions, if any, pending in these appeals as well as in the criminal petitions shall stand closed.
No costs.


V.RAMASUBRAMANIAN, J.

N.BALAYOGI, J.

14th July, 2017.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE N.BALAYOGI

Family Court Appeal Nos.267 and 358 of 2013,
and 35 of 2014
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Criminal Petition Nos.5753 and 5756 of 2017
(per VRS, J.)



14th July, 2017.
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