

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No. 385 of 2017

and

Crl. M.P.No.3543 of 2017

1.H.Mohammed Abid Sarfaraz Baig

2. Thanseem Baig

3. Hussain Baig

.. Petitioners/Petitioners

Vs.

R.Habiba

.. Respondent/Respondent

PRAYER:Criminal Revision case has been filed under Sections 397 and 401 Cr.P.C, to set aside the order dated 06.01.2017 in Crl.M.P.No.4313 of 2016 in C.A.No.Nil of 2016 passed by the Principal Sessions Judge, Vellore, Vellore District.

For Petitioners : M/s.Geeta Ramaseshan

For Respondent : Ms.Hemalatha

for M/s.Rayessa Fathima

J U D G M E N T

The complainant / respondent filed a petition in D.V.A.No.4 of 2016 before the Trial Court under Section 23 of Protection of Women from Domestic Violence Act, 2005, wherein, the trial Court has granted an exparte interim maintenance of Rs.12,500/- as interim maintenance in favour of the respondent on 10.05.2016.

2.Thereafter, the petitioners filed a set aside petition in C.M.P.No.1305 of 2016 and the same was dismissed on 27.07.2016. On 10.05.2016, the petitioners filed a petition to condone the delay in filing the appeal before the Principal Sessions Judge, Vellore District in C.M.P.No.4313 of 2016 and the same was also dismissed.

3.Aggrieved by the said order, the present Criminal Revision has been preferred by the petitioners. After filing of this Criminal Revision Petition, a compromise has been arrived in between the petitioners and the respondent / complainant. The compromise memo / affidavits have been filed before this Court individually by all the parties with the following terms:

1.I married the 1st petitioner herein and the respondent in C.M.P.No.1060 of 2016 and the Complainant in D.V.No.04 of 2016 and as such am well-aware of the fact and circumstances of this case and am competent to swear this affidavit.

2.I submit that the 1st petitioner is my husband and our marriage was solemnised on 07.12.2012 at Nagi Redi Hall, Vadapalani, Arcot Road, Chennai-26, according to Muslim rites and customs. The 1st petitioner and I have one female child Hafsa from our lawful wedlock on 18.07.2014 currently aged about four years. The minor child is in my custody.

3.I submit that the 2nd petitioner is my mother in law and the 3rd petitioner is my father in law.

4.I submit that I filed a complaint against the Petitioners under Sections 12,18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005. The trial court granted an ex parte interim maintenance of Rs.12,500/- (Rupees Twelve Thousand and Five Hundred only) per month vide order dated 10.05.2016.

5.I submit that the petitioners filed C.M.P.No.1305 of 2016 praying to set aside the ex parte order dated 10.05.2016 along with a condone delay petition. The Hon'ble Appellate Court dismissed the above said C.M.P. On 27.07.2016. The petitioners have preferred this revision against the said order.

6.I submit that I agree to give a quietus to all litigation before all and have agreed to the following terms and conditions recorded in the joint memorandum of compromise.

7.I submit that towards the same the 1st petitioner has given a sum of Rs.15,00,000/- (Rupees Fifteen Lacs only) towards full and final settlement of maintenance and alimony to me and the minor child in the following manner:-

A) A sum of Rs.2,00,000/- (Rupees Two Lacs only) has been given by the 1st petitioner to me vide DD No.001291 dated 10.10.2018 drawn on HDFC Bank, Ayyappanthangal Branch, Chennai in my name before this Hon'ble Court.

B) The remaining sum of Rs.13,00,000/- (Rupees Thirteen Lacs only) in my name vide three demand drafts vide D.D.No.941166 for a sum of Rs.5,00,000/- (Rupees Five Lacs only), D.D.No.9941167 for a sum of Rs.5,00,000/- (Rupees Five Lacs only) and DD No.941172 for a sum of Rs.3,00,000/- (Rupees Three Lacs only) drawn on State Bank of India, Ranipet Branch has also been given to me today. Out of the same sum, I undertake to utilize this amount towards me and for the maintenance of the minor child Hafsa in the following

manner; Rupees Six Lacs will be towards the maintenance of the minor child and the remaining Rs.9 Lacs will be for the maintenance of me.

8.I have received all the jewels and other items belonging to me.

4.In view of the above compromise arrived in between the petitioners and respondent, nothing survives in this petition for further adjudication.

5.Accordingly, this Criminal Revision Petition stands disposed of with the above terms of the compromise memo. The compromise memo shall form part and parcel of the order. As per the terms of the above compromise, the respondent had to withdraw the D.V.A. No.04 of 2016. Consequently, connected miscellaneous petition is closed.

*Enclosed Xerox copy of the Compromise Memo

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kas

TO:

The Principal Sessions Judge,
Vellore, Vellore District.

Cr1.R.C.No. 385 of 2017

and

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