

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CrI.R.C.No.359 of 2018
and
CrI.M.P.No.4402 of 2018

N.Prabhakar ... Revision Petitioner

Vs.

1.N.Rathipriya

2.Minor Preethika

Represented by Mother N.Rathipriya ... Respondents

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., praying to set aside the order dated 30.01.2018 made in M.C.No.28 of 2015 by the Judge, Family Court, Erode.

For Petitioner : Mr.P.Palaninathan

For Respondents: Mr.A.K.Sridharan

ORDER

This Criminal Revision Case has been filed against the order dated 30.01.2018, passed by the Judge, Family Court, Erode, in M.C.No.28 of 2015.

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

3.Rathipriya and Prabhakar got married on 01.11.2009 and through the wedlock, they have a daughter by name Preethika. Their marriage ran into rough weather resulting in the spouses getting estranged. Rathipriya filed a maintenance case in M.C.No.28 of 2015 under Section 125 Cr.P.C. against Prabhakar before the Family Court, Erode, in which, the Family Court, by order dated 30.01.2018, directed Prabhakar to pay Rs.10,000/- each per month as maintenance to Rathipriya and Preethika.

4.Challenging the order, Prabhakar has filed the present Criminal Revision Case.

5.Heard Mr.P.Palaninathan, learned counsel for Prabhakar and Mr.A.K.Sridharan, learned counsel for Rathipriya.

6.Learned counsel for the parties submitted that the parties have arrived at a compromise in C.M.A.No.879 of 2018 and the terms of the compromise have been recorded in memorandum dated 30.11.2018, pursuant to which, final orders have been passed by this Court on 11.12.2018 in C.M.A.No.879 of 2018.

7.It may be relevant to extract Para No.3 of the Joint Memo of Compromise dated 30.11.2018, which reads thus :

"3.That both the parties shall take steps to close Crl.R.C.No.359 of 2018 filed by the Respondent herein against the final order dated 30.01.2018 made in M.C.No.28/2015 on the file of Family Court, Erode filed under Section 125 of Cr.P.C., as the entire dispute relating to the marriage between the Appellant and the Respondent has been amicable settled and hereinafter both the parties do not have any claim whatsoever against each other, by producing this Joint Memo of Compromise. However, the Appellant is entitled to withdraw Rs.2,72,000/- (Rupees Two Lakhs Seventy Two Thousand only) deposited by the Respondent herein in M.C.No.28 of 2015 before the Family Court, Erode pursuant to the interim order granted by the Hon'ble High Court in Crl.R.C.No.359 of 2018 together with accrued interest thereon, without any further objection from the Respondent herein."

8.In view of the above, this Criminal Revision Case is allowed and the order passed by the Family Court, Erode, dated 30.01.2018 in M.C.No.28 of 2015, is hereby set aside. However, Rathipriya is entitled to withdraw the sum of Rs.2,72,000/- (Rupees Two Lakhs and Seventy Two Thousand only), that has been deposited by Prabhakar before the Family Court, Erode. The Family Court, Erode is directed to disburse the said amount to Rathipriya. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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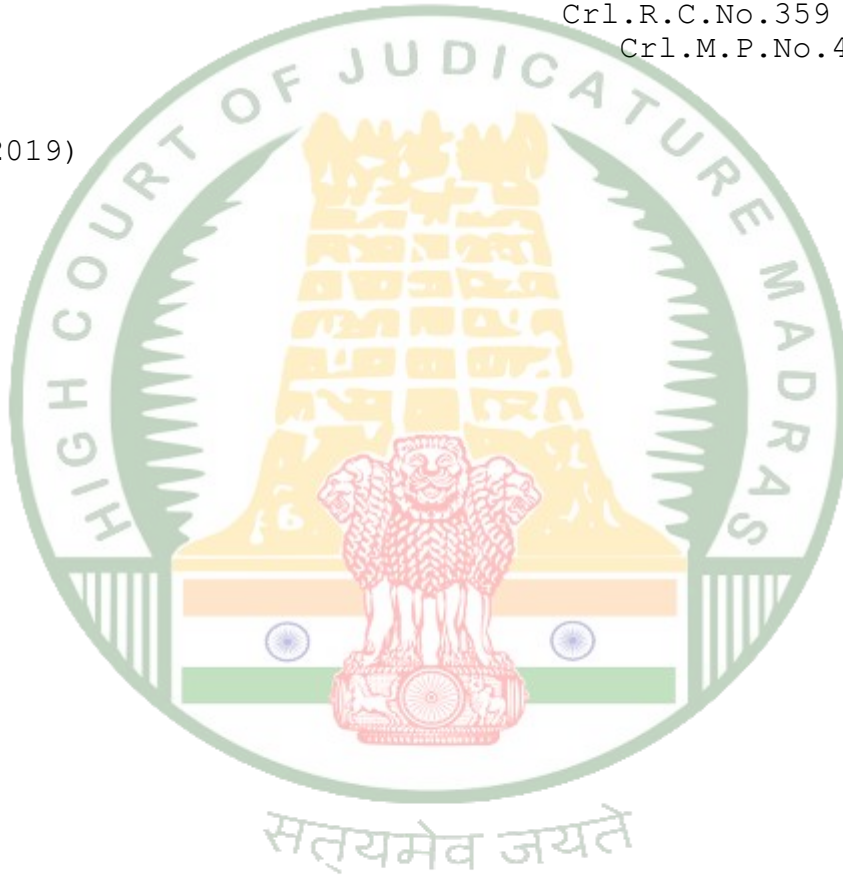
Copy to :

The Judge,
Family Court,
Erode.

+1cc to Mr.Palaninathan, Advocate, S.R.No. 56220
+1cc to Mr.Sridharan, Advocate, S.R.No. 56084

Crl.R.C.No.359 of 2018 and
Crl.M.P.No.4402 of 2018

MG(CO)
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