

BAIL SLIP

That the Appellant/Accused Senthil Kumar (A-1), S/o. Gopal,, Vasantha, (A3), W/o.Gopal, in Crl.M.P.No.1968/16 in Crl.A.No.142/16 were directed to be released on bail as per order of this Court dated 22.02.2016 and made in Crl.M.P.No.1968/16 in Crl.A.No.142/16 on the file of this Court.

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-II organised by the High Court Legal Services Committee

Wednesday, the 15th day of February 2019

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)
Presided over by

The Hon'ble Mr.JUSTICE S.MARIMUTHU (Retd.)
and

Members

Mr.N. Mohandoss
Mr.K.Thilageswaran

CRL. A. No.142 of 2016

(Appeal against the judgment and decree passed on 04.12.2014 made in Crl. A. No.116 of 2013 on the file of the learned Principal District Sessions Judge, Vellore)

1. Senthil Kumar
S/o.Gopal

2. Vasantha
W/o. Gopal

.. Appellants

सत्यमेव जयते
Vs.

1. Vijaya

2.The State Rep. By
Inspector of Police,
All Women Police Station,
Vellore District.
Vellore (Crime No.8/2009

.. Respondents

When the matter is taken up for the amicable settlement before the Lok Adalat, Mr.S. Parteeban, Counsel for the appellants and Mr.Thilagaraj, counsel for the first respondent are present. After mutual discussion, negotiation, mediation

and conciliation between both parties, they arrived at a compromise to settle the matter as follows:-

TERMS OF SETTLEMENT

This appeal filed against the Judgment dated 04.12.2014 passed by the learned Principal District & Sessions Judge, Vellore, in Crl.A. No.116 of 2013.

2. The Marriage of the first appellant and the first respondent was solemnized on 10.04.2005. Their Marriage life was not cordial. Due to misunderstanding in their marriage life, the first respondent/Wife lodged a complaint against the first appellant/Husband and the second appellant/Mother-in-law on the file of All Women Police Station, Vellore. The Police registered a case against the first appellant/husband and the second appellant/Mother in law under Sections 498(A), 294(b), 506(ii), 406 of I.P.C and Section 4 of Dowry Prohibition Act. The said complaint was taken on file by the Judicial Magistrate No.IV, Vellore. The first respondent/Wife was examined as P.W.1 in the Trial Court. The Trial Court Magistrate after examining the evidences and documents as well as all the witnesses, came to the conclusion by acquitting the appellants herein. Aggrieved by the aforesaid Judgement against acquitting the appellants, the first respondent/wife, P.W.1 preferred an appeal in C.A. No.116 of 2013 on the file of the Learned Principal District & Sessions Judge, Vellore. The learned Principal District & Sessions Judge on examining the entire evidence and the Judgment of Trial Court, found the appellants herein guilty under Section 498(A), 294(b) 506(i) of I.P.C. and Section 4 of Dowry Prohibition Act and sentenced them to undergo Rigorous Imprisonment for Six months and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) each, in default, to undergo Simple Imprisonment for one month for the offence under Section 498(A) of I.P.C. and sentenced to pay a fine of Rs.1,000/- (Rupees One thousand only) each, in default, to undergo simple imprisonment for Fifteen days for the offence under Section 294(b) of I.P.C, and sentenced to undergo Rigorous Imprisonment for three months for the offence under Section 506(i) of I.P.C. and for the offence under Section 4 of Dowry Prohibition Act, sentenced to undergo Rigorous Imprisonment for 6 months and to pay a fine of Rs.5,000/- (Rupees Five Thousand Only) each in default, to undergo Simple Imprisonment for one month. Being aggrieved by the aforesaid Judgment, the present Criminal Appeal has been filed.

3. We are of the Forum members had discussions and negotiations with the appellants and the first respondent herein. We came to understand that they have come to an amicable settlement for divorce by mutual consent. They have no issue after marriage. Therefore, they have to naturally move the Family Court for divorce by mutual consent. However, at this

initial stage of the divorce by mutual consent, they have arrived for settlement by paying a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) by way of Demand Draft bearing Nos. 026077 and 026076 each Rs.5,00,000/- (Five Lakhs Only).

4. The learned Counsel for the appellants and the learned counsel for the first respondent jointly would submit that the first respondent has filed FCOP No.74 of 2014 before the Family Court for restitution of Conjugal rights. The same was allowed. Aggrieved by the aforesaid order, an appeal has been filed before this Court in C.M.A.SR. No.45903 of 2018. In view of the above facts, considering the peculiar circumstances of the case, the first appellant has paid a sum of Rs.10,00,000/- to the first respondent/wife as full and final settlement. Both Parties are present. The learned counsel for both the parties agreed for the same. The first respondent is directed to withdraw the amount and also other connected cases arising between the parties. The divorce for mutual consent has to be filed between the parties before the concerned Tribunal Forum. In the result, the award is passed accordingly. Consequently, connected miscellaneous petition are closed.

Sd/-
1st Appellant

Sd/-
Counsel for the Appellants

Sd/-
Respondents

Sd/-
Counsel for the First Respondent

This Lok Adalat award is passed in terms of the above settlement.

The full Court fee paid shall be refunded to the appellant in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.

Sd/-
Judge

Sd/-
Member

Sd/-
Member

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

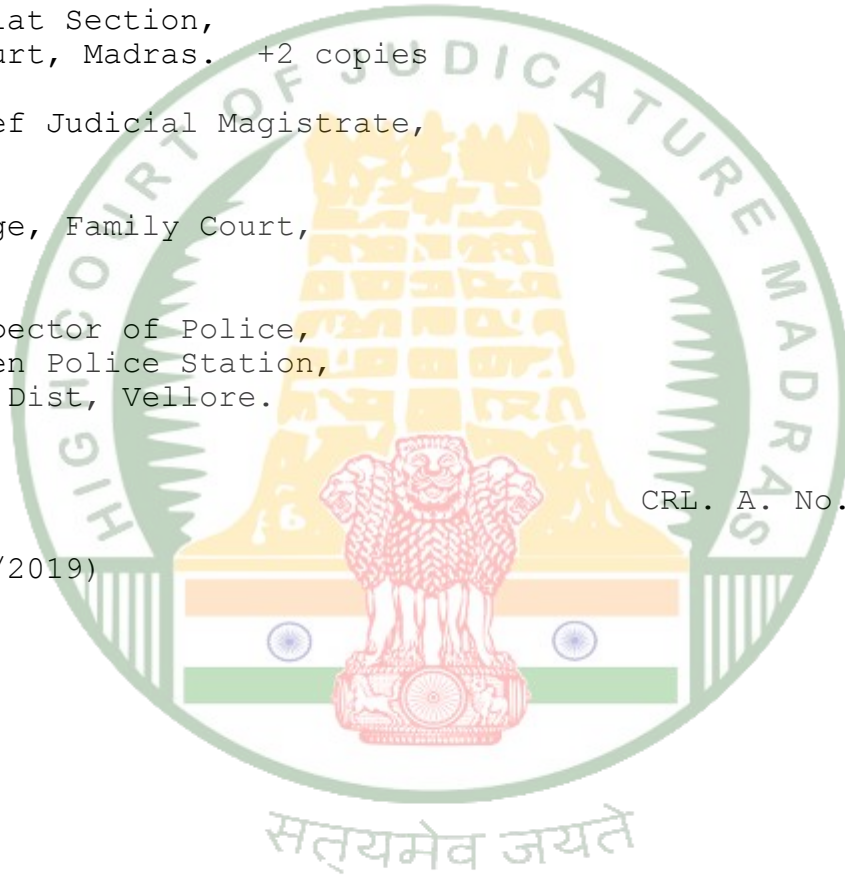
To: The parties/Advocate concerned

Copy to:

- 1.The Judicial Magistrate, No.IV,
Vellore.
- 2.The Principal District Sessions Judge,
Vellore.
- 3.The Section Officer,
Lok Adalat Section,
High Court, Madras. +2 copies
- 4.The Chief Judicial Magistrate,
Vellore.
- 5.The Judge, Family Court,
Vellore.
- 6.The Inspector of Police,
All Women Police Station,
Vellore Dist, Vellore.

CRL. A. No.142 of 2016

Kak (03/05/2019)



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