



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI**Cr1.R.C(MD)No.765 of 2017**

Karunakaran : Revision Petitioner/
Respondent

Vs.

Minor Uthayasakthipriyan
Represented through his mother
natural Guardian Tmt.Permalatha : Respondent/Complainant

Prayer: Criminal Revision Petition has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the order passed in MC No.02 of 2017, dated 19.06.2017 on the file of the Family Court, Sivagangai.

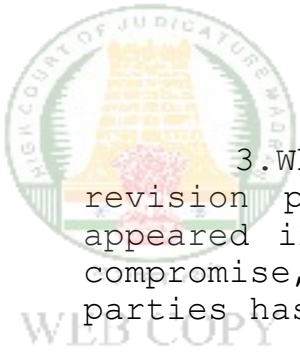
For Revision Petitioner : Mr.R.Suriyanarayanan

For Respondent : Mr.A.Sivasubramanian

J U D G M E N T

This criminal revision is directed against the order passed in MC No.02 of 2017, dated 19.06.2017 on the file of the Family Court, Sivagangai.

2.The respondent herein has filed a maintenance case through his mother against the petitioner. The respondent's mother married the petitioner on 21.01.2007 at Sivagangai as per the Hindu Rites and Customs and due to the wedlock, on 08.10.2009 the respondent was born and thereafter, due to matrimonial tiff, the petitioner has filed a divorce petition against his wife (Premalatha) and that was dismissed by the trial court and on appeal, the petitioner got decree of divorce. After divorce, the petitioner has not spent any amount for the welfare of his son (the respondent) and hence, the respondent has filed maintenance petition against the petitioner through his mother. In that petition, the lower court has ordered a sum of Rs.6,000/- towards maintenance for the respondent till the age of his majority. Aggrieved by the order of the trial court made in MC No.02 of 2017, dated 19.06.2017, the petitioner is before this court.



3. When the matter is taken up for hearing on 19.03.2019, the revision petitioner and the respondent along with their counsel appeared in person. They have already filed a Joint Memorandum of compromise, dated 27.02.2019 stating that the dispute between the parties has been settled amicably.

6. The Joint Compromise Memo, dated 27.02.2019 reads as follows:-

(i) The respondent is son of petitioner herein and he is represented through his mother who is the wife of the petitioner herein. The marriage between the petitioner and mother of the respondent herein is dissolved by way of Court of law. Now the petitioner has come forward for one time settlement for maintenance to the respondent herein and same was accepted by the mother and guardian of the respondent herein and she agreed to receive a sum of Rs.5,00,000/- as one time maintenance amount from the petitioner herein for her minor son.

(ii) It is submitted that as per the interim order of this Hon'ble Court in Crl.M.P(MD)No.9111 of 2017 dated 10.10.2017, the petitioner herein has given monthly maintenance to the respondent herein and 50% of the arrears amount also deposited in the trial court. The respondent herein is ready to deduct the already paid amount of the maintenance by the petitioner herein from the said one time maintenance amount of Rs.5,00,000/-. After deduction of the earlier payment as stated above, the amount comes as a sum of Rs.4,32,900/- and same is handed over by the petitioner herein to the respondent herein by way of Demand Draft bearing registration No.027969, dated 06.12.2018 in favour of the respondent's mother and natural guardian namely A.Prema Latha issued by Canara Bank, Bodinayackanoor Branch, Theni District and payable at Sivagangai Branch.

iii) The respondent herein has accepted to receive the said amount as stated above as one time settlement and further mother of the respondent herein undertakes that she will not claim any maintenance or compensation against the petitioner in future for maintenance of her son.

(3) This compromise memo is made between the petitioner and the respondent with their full consent and they are aware of the above mentioned conditions and agreed the same.



(4) The petitioner has already deposited 50% of the monthly maintenance from the date of filing revision petition to the tune of Rs.48,000/-. The same is permitted to withdraw by the respondent and petitioner have no objection.

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7. Keeping in view of the above and now, the matter has been amicably settled between the parties, the revision petition is **disposed of** in terms of the settlement arrived at between the parties. The Joint Compromise Memo, dated 27.02.2019 shall form part of the order. The respondent is permitted to withdraw the maintenance arrears amount of Rs.48,000/-, which was deposited by the petitioner to the credit of M.C.No.2 of 2017 on the file of the Family Court, Sivagangai.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar

Encl : Xerox copy of the Compromise Memo.

+1 CC to M/s.R.SURIYA NARAYANAN, Advocate SR-55781

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21.03.2019

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