



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.03.2020

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

**Cr1.RC(MD)No.802 of 2019**

**and**

**Cr1.MP(MD)No.9236 of 2019**

B.Anbuchezhian  
Accused

: Petitioner/Respondent

Vs.

1.Shanmugavalli  
2.Sindhu  
2.Pavithra

(R3 declared as major as per  
order of this court, dated  
09.03.2020 in Cr1.MP(MD)  
No.282 of 2020 in Cr1.RC  
(MD)No.802 of 2019)

: Respondent/Petitioners

**Prayer:** Criminal Revision filed under section 397 r/w 401 of the Criminal Procedure Code 1973 against the order, dated 25.04.2017 passed in MC No.9 of 2012 by the Family Court, Madurai.

For Petitioner

: Mr.A.Boovan

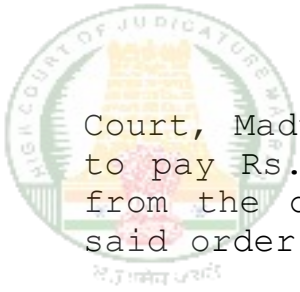
For Respondents

: Mr.T.Sivananthan

### **J U D G M E N T**

This Criminal Revision is filed against the order, dated 25.04.2017 passed in MC No.9 of 2012 by the Family Court, Madurai.

2.The facts of the case is that the marriage between the petitioner/husband and the 1<sup>st</sup> respondent/wife was solemnized on 09.09.1992 and out of their wedlock, they were blessed with two daughters and due to matrimonial tiff, the respondents filed a maintenance petition in MC No.9 of 2012 before the Family Court, Madurai, seeking maintenance of each Rs.5,000/- to the respondents. The petitioner filed a divorce application in HMOP No.280 of 2013 before the Family Court, Madurai, which was dismissed on 17.02.2017. Thereafter, the respondents filed a suit in O.S.No.1114 of 2014 before the Sub Judge, Madurai, for the relief of partition and the same is pending for adjudication. Further, 1<sup>st</sup> respondent filed a complaint under Domestic Violence Act against the petitioner in Cr.MP No.4894 of 2012 before the Judicial Magistrate No.II, Madurai. In the meantime, the Family



Court, Madurai, by order, dated 25.04.2017 directed the petitioner to pay Rs.5,000/- to each respondents towards monthly maintenance from the date of maintenance until modification. Challenging the said order, the petitioner is before this court.

3. During the pendency of the criminal revision, on 09.03.2020 the revision petitioner and the respondents along with their counsel appeared in person. It is submitted by the learned counsel appearing on either side that now the dispute between the parties has been settled amicably and the respondents has no objection to set aside the entire proceedings. A Joint Compromise Memo, dated 09.03.2020 has also been filed by the parties to that effect.

4. The Joint Compromise Memo, dated 11.03.2020 would run thus:-

"(2) Out of the compromise took place between the petitioner and the respondents, it is agreed by the respondents to withdraw the entire proceedings of the MC No.9 of 2012 on the file of the learned Family Court, Madurai, on the payment of Rs.15,00,000/- (Fifteen Lakhs Rupees) by the petitioner to the respondents. Further, since, the petitioner could not able to give above money of Rs.15,00,000/- in cash, in an alternate arrangement to the above payment, the petitioner executed a registered gift deed in favour of his younger daughter, who is the 3<sup>rd</sup> respondent herein vide the registered gift deed in document No.3541/2019.

(3) The respondents agree to withdraw the entire proceedings of the maintenance case in MC No.9 of 2012 on the file of the learned Family Court, Madurai. Since, the above maintenance case was already ordered in favour of the respondents and they also filed a petition in Cr.M.P No.156 of 2017 in MC No.9 of 2012 for recovering the arrears of maintenance. The respondents are agreed to withdraw the entire proceedings of the above maintenance case. Further, the respondents agree that they will not claim any maintenance from the petitioner in future. Further, the respondents agree that since the respondents 2 & 3 became majors, they will not claim any maintenance or money from the petitioner. Further, the 1<sup>st</sup> respondent agrees that she will not claim any money or maintenance from the petitioner in any way and she further undertakes that she will manage the future expenditures of herself and her daughters.



(4) To that effect of their compromise, the petitioner and the 1<sup>st</sup> respondent executed an unregistered agreement dated 17.07.2019 and accordingly, the petitioner and the respondents settled their dispute amicably. Further, the respondents are hereby giving their consent to allow the above criminal revision petitions in Cr.RC(MD) No.802 of 2019 on the file of this Hon'ble High Court."

5. Keeping in view of the above facts, now the matter has been amicably settled between the parties, no fruitful purpose will be achieved to proceed further in this matter.

6. The revision petition is accordingly **disposed of** in terms of the settlement arrived at between the parties. The order passed in MC No.9 of 2012, dated 25.04.2017 by the Family Court, Madurai is set aside. The Joint Compromise Memo, dated 09.03.2020 shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

To,  
The Judge, Family Court,  
Madurai.

+2 CC to M/s.A.BOOVAN, Advocate ( SR-11406[F] dated 12/03/2020 )

**Cr1.RC(MD)No.802 of 2019**  
**12.03.2020**

NA(CO)  
TR(20.03.2020) 3P 4C