



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE **B.PUGALENDHI**

Crl.RC.(MD)No.145 of 2016

T.Vijayarani

... Petitioner

Vs.

1.P.Thangakumar

2.The General Manager,
H.R.Department Centre Regional - II,
State Bank of India,
Madurai.

3.The Branch Manager,
State Bank of India,
Sivakasi Town Branch,
Sivakasi, Virudhunagar District.

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to call for the records in Cr.M.P.No.2 of 2015 in Cr.M.P.No.80 of 2013 in M.C.No.6 of 2003, dated 11.08.2015, on the file of the Family Court, Madurai and set aside the same.

For Petitioner : No appearance

For Respondents : No appearance for R.1

Mr.S.Sethuraman
for R.2 & R.3

O R D E R

This Criminal Revision Case is filed as against the order passed by the Family Court, Madurai, in Cr.M.P.No.2 of 2015 in Cr.M.P.No.80 of 2013 in M.C.No.6 of 2003, dated 11.08.2015.

2. The application in Cr.M.P.No.2 of 2015 was filed directing the garnishees / respondents 2 & 3 to attach the amount towards arrears of maintenance and 30% of amount from the gross



retirement benefit of the 1st respondent and disburse the same to the petitioner, on the basis of the mediation report. The learned Judge, Family Court, Madurai, has partly allowed the application, directing the respondents 2 & 3 to pay 30% of amount from the gross retirement benefit, without ordering for the arrears of maintenance. Aggrieved, the petitioner has filed this petition.

3. According to the petitioner, the marriage between her and the 1st respondent was strained due to dowry harassment and the petitioner has also lodged a complaint against her husband / 1st respondent and her in-laws before the All Women Police Station, Tiruparankundram. The said complaint culminated with a final report in C.C.No.341 of 2003, for the offence under Sections 494, 406 r/w 120(b) IPC, as against the first respondent and five others. The trial Court, in conclusion of the trial, while acquitting the other accused, has convicted the first respondent. As against the order of acquittal, the petitioner has preferred a criminal revision case in Crl.RC.(MD)No.485 of 2010 before this Court. The first respondent / husband has also preferred an appeal before the Additional Sessions Court, Fast Track Court No.2, Madurai, in C.A.No.23 of 2010 and the lower appellate Court, by order dated 31.08.2010, allowed the same. As against the order of the lower appellate Court, the petitioner has preferred another revision case in Crl.RC.(MD)No.115 of 2011.

4. These two criminal revision cases were referred for mediation and before the mediation and conciliation centre, the parties have agreed to solve their dispute on certain terms as to the periodical payment of maintenance and also payment of certain percentage from the retirement benefits of the first respondent to the petitioner. It was also agreed that some immovable properties standing in the name of the petitioner and the first respondent shall be given to the petitioner and accordingly, this petitioner has also agreed to withdraw the revision cases in Crl.RC.(MD)Nos.485 of 2010 and 115 of 2011. Recording the said agreement and the endorsement made, the revision cases, by order dated 13.02.2012, were dismissed as not pressed.

5. Thereafter, the petitioner has filed an application in Cr.M.P.No.2 of 2015 impleading the garnishees / respondents 2 & 3 as parties in the proceedings to direct them to attach a sum of Rs.2,10,000/- towards arrears of maintenance and 30% of amount from the gross retirement benefit of the first respondent / husband and disburse the same to the petitioner. This petition was allowed as per the terms and conditions of the agreement that on the total retirement benefits of Rs.32,07,787/-, 30% amount was ordered to be given to the petitioner by the first respondent and the Family Court has also issued a direction to the garnishees / respondents 2 & 3 to deposit the amount before the Court, within a period of two weeks and also permitted the petitioner to withdraw the same. Being not satisfied with the order of the Family Court, Madurai, the petitioner has filed the present criminal revision case.



6. This Criminal Revision Case was admitted on 14.03.2016 and thereafter, when the case was listed on 11.07.2017, there was no representation. On the next date of hearing, ie., on 12.07.2017, the petitioner was directed to take a private notice to the first respondent. Thereafter, when the matter was taken up for hearing on 27.07.2020, there was no representation for the petitioner as well as the first respondent. However, Mr.S.Sethuraman, learned Counsel representing the garnishees / respondents 2 & 3 submitted that pursuant to the orders passed by the Family Court in Cr.M.P.No.2 of 2015, dated 11.08.2015, the entire amount has been deducted from the retirement benefits of the first respondent and also deposited before the Court.

7. In order to ascertain the present stage, this Court directed the Registry to inform the learned Counsel for the petitioner and posted the matter on 07.08.2020. Even on 07.08.2020, there was no representation for the petitioner and the first respondent and Mr.S.Sethuraman, learned Counsel for the garnishees / respondents 2 & 3 reiterated his submissions. Therefore, by order dated 07.08.2020, this Court directed the Registry to call for a report from the Family Court, Madurai, as to whether the amount which was ordered by the Family Court, Madurai, on 11.08.2015, has been deposited by the respondents 2 & 3 and whether the amount has been received by the petitioner herein.

8. Pursuant to the orders of this Court, the learned Judge, Family Court, Madurai, by report dated 19.08.2020, submitted that pursuant to the orders in Cr.M.P.No.2 of 2015 in M.C.No.6 of 2003, a sum of Rs.9,62,336/- was deposited by the respondents 2 & 3 / garnishees through Cheque No.873301, dated 28.09.2015 and the said amount was deposited in the account of the Family Court, Madurai. It is further submitted that the said amount was also received by the petitioner herein through Cheque No.082081, dated 14.12.2015.

9. At this juncture, Mr.S.Sethuraman, learned Counsel for the respondents 2 & 3 / garnishees submitted that the first respondent is no more. However, since there was no representation for the petitioner and the first respondent, the said fact could not be ascertained.

10. Be that as it may, in view of the report of the learned Judge, Family Court, Madurai, dated 19.08.2020, that the amount as ordered by the Family Court has been deposited and the same has also been received by the petitioner and considering the fact that this Criminal Revision Case is pending before this Court from the year 2016, this revision case is closed, as no further order is



required. However, it is open to the petitioner to work out her other claims, if any, pursuant to the settlement arrived at between the parties, in the manner known to law.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gk

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Judge,
Family Court,
Madurai.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai(2 Copies).

+1 CC to M/s.S. SETHURAMAN, Advocate (SR-16292[F] dated 09/09/2020

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NR (16.09.2020) 4P 5C