

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.131 OF 2021

AND

CRL.M.P.NO.2516 OF 2021

V.Vinod Kumar

... Petitioner

...vs...

V.Arunadevi

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order passed in C.A.No.30 of 2019 by the Additional District and Sessions Court, Tiruvallur @ Poonamallee and call for the entire records.

For Petitioner : Mr.B.Vivekavanan

O R D E R

By consent of the learned counsel for the petitioner, the matter is taken up today for final disposal at the admission stage itself, without issuing notice to the respondent.

2. This Criminal Revision Case has been filed against judgment dated 09.12.2020 in Crl.A.No.30 of 2019 on the file of the III Additional District and Sessions Court, Tiruvallur @ Poonamallee.

3.The marriage between the petitioner and the respondent was solemnized on 24.02.2008. Due to matrimonial dispute, the petitioner/husband filed O.P.No.3837 of 2013 for divorce. During the pendency of the said petition, the respondent/wife filed a petition under Domestic Violence Act in D.V.No.7 of 2014 seeking various reliefs including interim maintenance. After enquiry, the learned Magistrate directed the petitioner/husband to pay Rs.7,000/- per month as maintenance to the respondent/wife. Challenging the said order, the respondent/wife preferred an appeal in Crl.A.No.30 of 2019 before the learned III Additional District and Sessions Judge, Tiruvallur @ Poonamallee. Pending disposal of the appeal, both the parties arrived at settlement. As per the terms of settlement arrived between the parties, the learned III Additional District and Sessions Judge, Tiruvallur

ordered the appeal on 09.12.2020 on the following directions, which is as follows :

''Both parties have agreed that there is no disturbance by either parties in any manner and hence, no protection order as provided under Section 18 of the Protection of Women from Domestic Violence Act is required. Moreover, the parties have agreed that they will workout the remedy of permanent alimony in the matter of HMOP No.3837 of 2013, which is pending on the file of the Principal Family Court, Chennai. Therefore, the compensation order as provided under Section 22 of the Protection of Women from Domestic Violence Act is not granted in this appeal. It is made clear that on payment of entire arrears of maintenance amount the appellant/wife has agreed to withdraw I.A.No.58/2019 in HMOP No.3837/2013 on the file of Principal Family Court, Chennai and hence the appellant/wife is directed to withdraw the same in the event of payment of entire arrears of maintenance. However, it is open to the appellant/wife to workout the relief for litigation expenses before the Family Court in HMOP No.3837/2013. The connected applications pending if any are closed.''

4.The learned counsel for the petitioner would submit that the petitioner duly complied with the order dated 09.12.2020 passed in Crl.A.No.30 of 2019 and paid the entire arrears and also paying the monthly maintenance. However, the respondent/wife has not withdraw I.A.No.58 of 2019. Therefore, the petitioner filed the present petition.

5.In the light of the above, since the petitioner has already complied with the direction passed in Crl.A.No.30 of 2019 dated 09.12.2020, the present Criminal Revision Case is not maintainable. However, the petitioner is at liberty to work out his remedy before the competent Court in the manner known to law.

6.Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ms

To

The III Additional District and Sessions Judge,
Tiruvallur @ Poonamallee.

+1cc to Mr.B.Vivekavanan, Advocate, S.R.No.13581

Cr1.R.C.No.131 of 2021
and Cr1.M.P.No.2516 of 2021

SR11(CO)
CS/26/03/2021



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