

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.02.2021

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.RC.No.303 of 2018

1.Mrs.NARMATHA,
W/o.J.Murali

2.MINOR SHANMITHA
D/o.J.Murali

... Petitioners

Vs

J.MURALI,
S/o.K.Jayaraman

... Respondent

Prayer: The Criminal Revision Case is filed under section 397 r/w 401 Cr.P.C, seeking for enhancement of the maintenance granted to the petitioners vide the order passed by the III Additional Family Court, Chennai in M.C.No.485 of 2017.

For Petitioners: Mr.C.R.Malarvannan

For Respondent : Mr.R.Vasudevan

ORDER

This Criminal Revision Case has been filed by the petitioner, seeking for enhancement of the maintenance granted to the petitioners vide order dated 04.12.2017 in M.C.No.485 of 2017, passed by the III Additional Family Court, Chennai.

2.For the sake of convenience, the parties are referred to as wife, daughter and husband respectively.

3.The 1st petitioner / wife had filed M.C.No.485 of 2013, before the III Additional Family Court, Chennai, against her husband under Section 125 Cr.P.C., for claiming the maintenance at the rate of Rs.15,000/- per month for her and for a sum of Rs.10,000/- per month for her daughter/2nd petitioner totalling to a sum of Rs.25,000/- per month as monthly maintenance. The III Additional Family Court, Chennai, vide an order dated 04.12.2017 in M.C.No.485 of 2013, had partly allowed this petition and directing the respondent/husband to pay a sum of

Rs.7,500/- per month to the 1st petitioner/wife and a sum of Rs.7,000/- per month to the 2nd petitioner/daughter, totalling to a sum of Rs.14,500/- per month as monthly maintenance to be effected from the date of the order i.e., 04.12.2017 and the maintenance amount shall be paid on or before 5th day of every English Calendar Month. Challenging the same, the wife had filed Crl.R.C.No.303 of 2018, before this Court seeking for enhancement of the maintenance granted to the petitioners.

4.When the matter is taken up today, both parties were present before this Court and they have been identified by their respective counsels.

5.Heard the learned counsel for the petitioners and the learned counsel appearing for the respondent and also perused the materials placed on record.

6.The learned counsels appearing for the both parties would submit that during the pendency of this Criminal Revision Case, the parties have settled the dispute between themselves and entered into a compromise. Pursuant to which, a Joint Compromise Memo has been filed by them. The parties agree that the Criminal Revision Case filed by the wife and daughter in Crl.R.C.No.303 of 2018 may be allowed in terms of the Joint Memo of Compromise and the Crl.R.C.No.597 of 2018 filed by the husband may be permitted to withdrawn. The contents of the Joint Compromise Memo, dated 17.02.2021 is extracted hereunder:

"JOINT COMPROMISE MEMO FILED BY THE 1st PETITIONER AND THE RESPONDENT

It is submitted that the above named petitioners filed this Criminal Revision Petition against the order dated 04-12-2017 passed in M.C.No.485 of 2013 on the file of III Additional Family Court, Chennai, under Section 125 of Criminal Procedure Code.

It is submitted that during the pendency of this revision both the parties have arrived at an amicable settlement. They do not want to entangle themselves in the legal fight and they want to purchase peace. The terms of the compromise are as follows:

i. It is submitted that the respondent/J.Murali has filed divorce petition in O.P.No.32 of 2013 on the file of III Additional Family Court, Chennai. The 1st petitioner/U.Narmatha has filed restitution of conjugal rights petition in O.P.No.29690 of 2013 on the file of III Additional Family Court,

Chennai. The learned Family Court allowed the divorce petition and dismissed the restitution petition by a common judgment dated 04-12-2017. Against the aforesaid orders the 1st petitioner preferred C.M.A.No.574 of 2018 and C.M.A.No.575 of 2018 and this Hon'ble Court was pleased to dismiss both the CMAs by order dated 25-01-2021. The PARTIES herein have realized that there is no chance for re-union between them and in view of that the 1st petitioner/U.Narmatha, for herself and on behalf of the 2nd petitioner/Minor M.Shanmitha, has decided to receive a sum of Rs.21,00,000/- (Rupees Twenty One Lakhs Only) to her and her minor daughter M.SHANMITHA/2nd petitioner herein as full and final settlement towards their past, present and future maintenance, for which the respondent/J.Murali has accepted and on the request of the 1st petitioner/U.Narmatha he paid the same in the following manner:

a.The respondent/J.Murali has paid a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) to the 1st petitioner/U.Narmatha as full and final settlement towards her permanent alimony for past, present and future maintenance. Out of the said sum of Rs.8,00,000/- the respondent has paid a sum of Rs.5,00,000/- by way of Demand Draft dated 16.02.2021, bearing D.D.No.974147, drawn on State Bank of India, kalpakkam Branch and agreed to pay the balance amount of Rs.3,00,000/- by way of cash on 19.02.2021.

b.The respondent/J.Murali has paid a sum of Rs.13,00,000/- (Rupees Thirteen Lakhs Only) to his minor daughter M.SHANMITHA as full and final settlement towards her past, present and future maintenance, by way of Demand Draft dated 16.02.2021, bearing D.D.No.974148, drawn on State Bank of India, Kalapakkam Branch. The above said amount shall be deposited in the name of Minor M.SHANMITHA in Fixed Deposit in a nationalized bank till she attains majority, but the 1st petitioner is entitled to receive monthly interest on the said deposit for the educational, medical and other expenses for the minor daughter.

ii.The 1st petitioner agrees to vacate and hand over the vacant possession of the

quarters at No.24, First Floor, Brindavan, Block -B, Type D, Bhavani Township, Anupuram, Thirukazhukundram Taluk, Kancheepuram District to the respondent/J.Murali on 19.02.2021.

iii.The 1st petitioner undertakes to withdraw the domestic violence petition filed by her in M.C.No.6 of 2014 pending on the file of Judicial Magistrate, Thirukazhukundram. The respondent is at liberty to file this Joint Compromise Memo before the said Judicial Magistrate, Thirukazhukundram, if necessary.

iv.The 1st petitioner undertakes that she will not prefer any Review Petitions before the Hon'ble High Court, Madras or Special Leave Petition before the Hon'ble Supreme Court of India or any other petitions against the order dated 25-01-2021 passed in C.M.A.No.574 of 2018 and C.M.A.No.575 of 2018 to the Hon'ble Supreme Court.

v.The 1st petitioner agrees and undertakes that she will not claim any other alimony or maintenance from the respondent for herself and for the minor daughter in future at any cost.

vi.The respondent has agreed that the custody of the minor daughter, M.Shanmitha/2nd petitioner shall remain with the 1st petitioner/mother and the respondent/father shall not make any future claiming over the custody of the minor daughter/2nd petitioner.

Vii.It is submitted both parties agree for this compromise on their own accord and will and there is no force or coercion on either party to submit to the compromise.

Hence it is prayed that this Hon'ble Court may be pleased to accept and record this Joint Memo of Compromise and pass suitable orders and render justice."

7.In view of the submission so made by the learned counsel on both sides and in view of the Joint Memo of Compromise, the Criminal Revision Case stands allowed in terms of Joint Memo of Compromise dated 22.02.2021 filed by the both parties. The Joint Memo of Compromise shall form part of the Court records. The

Registry is directed to communicate the order to the III Additional Family Court, Chennai, along with the copy of the Joint Memo of Compromise, dated 22.02.2021.

*The Xerox Copy of the Joint
Memo of Compromise enclosed

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssi
To:

- 1.The III Additional Judge,
Family Court,
Chennai.
- 2.The Deputy Registrar,
Criminal Side,
High Court, Madras.
- 3.The Judicial Magistrate,
Thirukazhukundram.

+1cc to Mr.R.Vasudevan, Advocate Sr.10584
+1cc to Mr.C.R.Malarvannan, Advocate Sr.10585

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srg 09/03/2021

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