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Crl.RC.No.537 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.537 of 2022

and

Crl.M.P.No.5746 of 2022

K.Sirajuddin

... Petitioner

Vs.

1. K.Nasrin

2. Minor Afreen Fathima

rep. by her mother and Natural Guardian
the 1st respondent

... Respondents

Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to revise the order in M.C.No.545 of 2012 dated 28.02.2020 on the file of III Additional Family Court, Chennai and set aside the maintenance order dated 28.02.2020.

For Petitioner : Mr.R.Arunkumar

For Respondents : Mr.J.Abdul Hadi

**ORDER**

This Criminal Revision Case has been filed seeking to set aside the order in M.C.No.545 of 2012 dated 28.02.2020 on the file of III Additional Family Court, Chennai.

2. The petitioner and the 1st respondent are husband and wife. The 2nd respondent is the daughter of the petitioner and the 1st respondent. The wife had filed a petition in M.C.No.545 of 2012 before the III Additional family Court, Chennai, seeking maintenance for herself and for her child. The learned Magistrate after enquiry, ordered a sum of Rs.7,500/- each to the wife and child, towards monthly maintenance. Challenging the said order of maintenance, the husband has filed the present revision before this Court.

3. Pending revision, at the request of both the parties, the matter was referred to mediation by order dated 26.08.2022. Before the Mediation, the parties have settled the matter amicably and they have also arrived to a Memorandum of Compromise. The Mediation report dated 02.11.2022 is received along with the Joint Memorandum of Compromise dated 31.10.2022, filed by the petitioner and the respondents.



4. Today (28.11.2022) when the matter is taken up for hearing, both the parties are present before this Court and both the counsel are also present before this Court. Both the parties have accepted before this Court that they have entered into a Joint Memo of Compromise and they fully aware of the terms and conditions mentioned therein.

5. As per the Joint Memo of Compromise, the husband has agreed to pay a sum of Rs.22 lakhs to the wife and child as full and final settlement out of which, a sum of Rs.11 lakhs has already been paid by the husband to the wife on 31.10.2022 and the husband has agreed to pay the balance amount of Rs.11 lakhs by way of Fixed Deposit in favour of the Minor daughter for a sum of Rs.6 lakhs and a sum of Rs.5 lakhs by way of cash to the wife within 4 months from 31.10.2022 or at the time of final hearing of Mubarat (Mutual divorce) suit, which is to be filed by the party of the first part in the Joint Memo of Compromise, which ever is earlier.

6. In view of the Joint Memo of Compromise dated 31.10.2022, this Criminal Revision Case is allowed. The Joint Memo of Compromise dated



31.10.2022, shall form part and parcel of this order. Consequently,
connected Miscellaneous Petition is closed.

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7. If the petitioner/husband failed to comply with the terms and conditions mentioned in the Joint Memo of Compromise dated 31.10.2022, the Family Court is directed to issue warrant against the husband without insisting any formal petition from the wife.

28.11.2022

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To

The III Additional Family Court,
Chennai

WEB COPY

Crl.RC.No.537 of 2





WEB COPY

Crl.RC.No.537 of 2



P.VELMURUGAN,J.

Ksa-2

Criminal Revision Case No.537 of 2022

28.11.2022