



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.713 of 2020

M.Ayyanar

... Petitioner/Respondent

Vs.

Jeeva

...Respondent/Petitioner

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the entire records connected to the order dated 14.02.2020 in M.C.No.30 of 2018 on the file of the Family Court, Dindigul and set aside the same.

For Petitioner : Mr.S.Malaikani
For Respondent : Mr.H.Lakshmi Shankar

ORDER

The criminal revision has been filed seeking to set aside the order passed by the Family Court, Dindigul, in M.C.No.30 of 2018, dated 14.02.2020, thereby, monthly maintenance was ordered in favour of the respondent.

2.While pending this revision petition, the petitioner and the respondent had settled the issue amicably. To that extent, they also entered into joint compromise memo and it reads as follows:

'1.It is submitted that the petitioner has filed the present Crl.R.C(MD)No.713 of 2021 challenging the order dated 14.02.2020 in M.C. No. 30 of 2018 on the file of the Honorable Family Court, Dindigul, and set aside the same.

2. It is submitted that the marriage between the petitioner and the respondent was solemnized on 12.03.1995. During the marriage the parents of the respondent had given 6½ sovereigns of gold jewels and household articles worth about Rs.10,000/- to the respondent. Out of the wedlock they have been blessed with two sons. Due to the misunderstanding, there arose some dispute between them and the petitioner filed petition for divorce before the Honorable Family court, Madurai vide H.M.O.P. No. 48 of 2012. And, on 10.02.2014 the H.M.O.P. was decreed ex parte. At the same time the respondent had filed an application for maintenance under section 125 of Criminal Procedure Code before the Learned Judicial Magistrate, Oddanchathiram in M.C. No. 6 of 2012 has been dismissed for default on 10.01.2017. Thereafter the respondents did not take any steps either to set

ex-parte decree passed in H.M.O.P. No. 48



of 2012 or to get M.C. No. 6 of 2012 to be restored. But, the respondent filed fresh application under section 125 of Criminal Procedure Code before the Honorable Family Court Dindigul in M.C. No. 30 of 2018 seeking maintenance of Rs 20,000/- per month.

3.It is submitted that on completion of trial the Honorable Family Court, Dindigul was pleased to direct the petitioner to pay Rs.15,000/- per month to the respondent towards maintenance. Therefore, the petitioner filed the present criminal revision case. Now, the petitioner and the respondent settled their dispute amicably in the interest and future of the petitioner and respondent and their sons and now they are residing jointly. Since they settled tier dispute amicably, the respondent also does not want to continue any proceeding arising out of the maintenance case. To that effect this compromise memo is filed.'

3.In view of the above, now the petitioner and the respondent are living together happily. Therefore, the order passed in M.C.No.30 of 2018, dated 14.02.2020 is set aside. Accordingly, the criminal revision case is allowed. Further, whatever the amount deposited by the petitioner before the Court below, now the respondent is permitted to withdraw the same.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr
To

Enclose copy of Joint Compromise memo.

1. The Judge, Family Court, Dindigul.

Copy to

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. MALAIKANI, Advocate (SR-17733[F] dated 11/04/2022)

Crl.R.C. (MD) No.713 of 2020

11.04.2022

NA (CO)

BK(22/04/2022)-2P 5C
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