

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2023

CORAM

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

Crl.R.C.(MD)No.271 of 2019

and

Crl.M.P.(MD)No.3967 of 2019

A.Marichamy

... Petitioner

Vs.

1.K.Sridevi

2.Minor Dhitshitha

(the second respondent represent through her mother and the next friend
K.Sridevi/1st respondent)

... Respondents

PRAYER : Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to set aside the order passed in M.C.No.4 of 2016 on the file of the Judicial Magistrate Court, Sankarankovil dated 04.01.2019 by allowing this criminal revision petition.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.N.GA.Natraj

ORDER

This Criminal Revision Petition has been filed to set aside the order passed in M.C.No.4 of 2016 on the file of the Judicial Magistrate Court, Sankarankovil dated 04.01.2019.

2.Pending revision, the parties compromised the matter between them before the mediation centre and they have also filed joint compromise memo before this Court and the same reads as follows:-

(a)That the respondent/wife has no objection to grant divorce by allowing the HMOP.No.6 of 2016 filed by the appellant/husband and to withdraw her petition for restitution of conjugal rights in HMOP.No.107/2015 by allowing both appeals in CMSA.No.22 and 23 of 2018, subject to the compliance of the conditions mentioned in the following clauses.

(b)That the appellant/husband, offered to pay a total sum of Rs.13,60,000/- towards one time life maintenance to is daughter, minor Dikshitha and the respondent/wife, as a

natural guardian also agreed to receive the same and agreed to give up her right to claim any past and future maintenance from the appellant/husband, including the maintenance awarded, which is subject matter of Crl.R.C. (MD) No.271/2019.

(c)That the appellant/husband today paid a sum of Rs. 1,50,000/- (Rupees One Lakh and Fifty Thousand only) by way of Demand Draft in No.570066 dated 15.07.2019, drawn in State Bank of India, Mogaippair West, in favour of wife, Mrs.Sridevi.

(d)The balance amount of Rs.12,10,000/-(Rupees Twelve Lakhs and Ten Thousand only) will be paid through three payments as per schedule mentioned herein:-

(i)The first payment of Rs.5,00,000/- (Rupees Five Lakhs only) will be paid on or before 15.09.2019.

(ii)The second payment of Rs.3,30,000/- (Rupees Three Lakhs and Thirty Thousand only) will be paid before 15.11.2019.

(iii)The third and final payment of Rs.3,80,000/- (Rupees Three Lakhs and Eighty Thousand only) will be paid before 31.12.2019.

(e)That the respondent/wife is the co-owner and co-borrower of home loan for the property situated at Plot No.

637, Block No.3, Type-B, J.J.Nagar, Mogappair West, Chennai as per the sale deed in Doc.No.2256/2013 dated 10.05.2013. However, the appellant/husband has been paying EMI from the date of loan agreement from his own income till date. In view of this compromise, the respondent/wife given up her rights and shares in the above property and also agreed to execute release deed, relinquishing her half right over the property or any deed more in the nature of deed, letters or consent agreement as required by the State Bank of India on compliance of payment of entire amount as mentioned Clause (d) and the appellant/husband hereby agreed that the expenses, stamp duty charges will be paid by him.

(f)In the even of non-compliance of conditions mentioned in clause (d) & (e) this settlement will not be binding and this compromise memo will come to end and the other party may file petition for restoration or execution as per decree of courts below.

5.This compromise memo is read over by the parties herein, and agreed and signed by the parties on their own conscious. There is no collusion, coercion or undue influence in filing this compromise memo.

3.In view of the above, this criminal revision petition is disposed of. Consequently, connected miscellaneous petition is closed. The joint compromise memo dated 01.08.2019 shall form part and parcel of this order.

20.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

The Judicial Magistrate Court, Sankarankovil

Crl.R.C.(MD)No.271 of 2019

G.K.ILANTHIRAIYAN,J.

gns

Crl.R.C.(MD)No.271 of 2019

20.03.2023