



CrI.R.C.(MD).No.505 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

**CrI.R.C(MD).No.505 of 2022 and
CrI.M.P(MD).No.6325 of 2022**

Parivel Karthik

... Petitioner

Vs.

1.M.Vijayalakshmi

2.Minor Kavın

(2nd respondent is rep. by his
mother and guardian / 1st respondent herein)

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records pertaining to the order made in M.C.No.36 of 2018, dated 20.10.2021 passed by the Family Court, Tiruchirappalli and set aside the same by allowing this revision.

For Petitioner : Mr. S. Vinayak

For Respondent : Mr.D. Boopal

ORDER

This Criminal Revision Case has been filed to call for the records



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and set aside the order passed in M.C.No.36 of 2018, dated 20.10.2021 passed by the Family Court, Tiruchirappalli.

2. The marriage between the petitioner and respondent was solemnized on 02.11.2015. Out of the wedlock one male child was born on 24.09.2016. Thereafter, due to some dispute, the petitioner filed HMOP.No.354 of 2020 for divorce. The respondent filed M.C.No.36 of 2018 on the file of the Family Court, Trichy. The learned Judge, Family granted a sum of Rs.15,000/- to the second respondent child by the impugned order, dated 20.10.2021. The petitioner has filed HMOP.No. 354 of 2020 before the Court below and the same was allowed. Against which, the 1st respondent filed CMA(MD).No.240 of 2022 before this Court. Pending the above adjudication, the parties have entered into a compromise and also filed a compromise memo to that effect.

3. Today, both the parties appeared before this Court and the 1st respondent has stated that as per the terms of compromise, she has received a sum of Rs.10,00,000/- from the petitioner. Terms of compromise memo as follows:



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TERMS OF COMPROMISE

1. The 1st Respondent received a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) from the Petitioner by way of two separate Demand Drafts dated 7.7.2023 bearing Nos.298902 and 298903 drawn in the Bank of Baroda.
2. The 1st Respondent acknowledges that above payment is the full and final settlement towards her maintenance and other monetary claims against the Petitioner. Both parties affirm that they have no further claim against each other.
3. The matrimonial relationship between the Petitioner and the 1st Respondent is ceased in view of this compromise. The 1st Respondent agreed to withdraw the C.M.A.(MD) No.240 of 2022 on the file of this Hon'ble Court. The judgment passed by the Learned Family Judge, Trichirappalli in HMOP No.354 of 2020 granting divorce to the Petitioner will hold good and divorce granted to the Petitioner in the above proceeding may be confirmed.
4. The Respondent agrees not to initiate any civil or other proceeding against the Petitioner for claiming monetary benefits or property rights in future in connection with matrimonial affairs.
5. The Respondent agrees that she will not pursue the enforcement proceedings which arises out of M.C.No 36 of 2018 pending on the file of the Family Court, Trichirappalli. The 1st Respondent further

B. P. R. S. H.

M. Vijay



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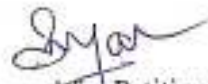
agrees to withdraw the Crl.R.C.(MD) No.888 of 2022 pending on the file of this Hon'ble Court.

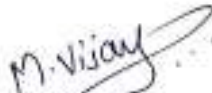
6. During the pendency of the maintenance proceedings, the Petitioner and the 1st Respondent's Minor son namely P.Kavin died on 3.5.2022. Both parties will not proceed any claim in respect of this issue.
7. The agreement dated 8.7.2023 signed by the both parties may be treated as part and parcel of this Compromise.

It is therefore humbly prayed that this Hon'ble Court may be pleased to record this Joint Compromise Memo and pass such further or other orders as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case and thus render justice. ✓ ✓

Dated at Madurai on this the 10th day of July, 2023.


Petitioner


Counsel for Petitioner


Respondent


Counsel for Respondent



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4. In view of the compromise entered into between the parties, this Court is inclined to set aside the impugned order, dated 20.10.2021 passed in M.C.No.36 of 2018 passed by the Family Court, Tiruchirappalli and accordingly, this Criminal Revision Case is allowed. The Compromise memo, dated 08.07.2023 filed by the parties shall form part of this order. Consequently, the connected Miscellaneous Petition is closed.

18.07.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
trp



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To

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The the Family Court, Tiruchirappalli.



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K.K. RAMAKRISHNAN. J.,

trp

Order made in

CrI.R.C(MD).No.505 of 2022 and
CrI.M.P(MD).No.6325 of 2022

Dated : 18.07.2023