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CRP No.2155 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2024

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THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

CRP No.2155 of 2023
and
C.M.P. No. 13113 of 2023

1.Dr.K.M.Sriram
2.S.Thamaraiselvi
Rajeswari (Deceased) ... Petitioners

Vs.

S.Sowmiya ... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India to call for the entire proceedings pending on the file of the Additional Mahila Magistrate Court, Salem in D.V.O.P.No.77 of 2015 against the petitioners and quash the same.

For Petitioners : Mr.E.V.Chanduru
for Ms.Kanimozhi mathi

For Respondent : Mr.J.Franklin

ORDER

Mr.J.Franklin made a mention that the revision shall taken up for hearing at 2.30 p.m. as Dr.Sriram and Ms.Sowmiya, the contesting parties in DVOP.No.77 of 2015 on the file of the Additional Mahila Court at Salem, have presented themselves in the Court. Accordingly, the matter was taken up



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post lunch.

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2. A memo of compromise has been filed in USR37189 of 2024.
3. I have enquired with the first petitioner and the sole respondent. Both of them stand by the compromise that they have signed on 24.09.2024. The terms of the compromise are set forth hereunder:

AFFIDAVIT OF COMPROMISE

I, Dr. K.M. Sriram, S/o N. Mohan, aged 34 years, residing at 4A, Kings Way Tulips Apartment, Trustipuram 5th Cross Puliyur Main Road, Kodambakkam, Chennai, do hereby solemnly affirm and declare as under:

1. I am the 1st Petitioner herein and as such I am well acquainted with the facts and circumstances of the case and as such competent to swear to this Affidavit on behalf of others as well.
2. The above-mentioned Petition is presently pending before this Hon'ble Court and the parties to the Petition (me and Respondent) have amicably settled their disputes and differences out of court.

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3. The Petitioners and Respondent (the Parties) above mentioned humbly beg to submit as follows:
- The 1st petitioner and respondent in the CRP are husband and wife married on 12.06.2013. The Respondent/wife in the CRP filed FCOP No.460/2015 on the file of the Family Court at Salem and said FCOP for divorce which was subsequently withdrawn as disposed of on 28.1.2020 based on the respondent's endorsement.
 - Pending the said FCOP No.460/2015, the 1st petitioner/husband filed counter claim for divorce and the same was re-numbered as HMOP No.212/2019.
 - Pendency of the case in the Family Court at Salem, the petitioner filed Transfer CMP No.755/2021 on the file of the Hon'ble High Court of Madras and the same was allowed and the case was transferred from the file Family Court, Salem to the II Addl. Family Court, Chennai and the counter claim filed by the 1st petitioner was re-numbered as HMOP No.946/2020.
 - The respondent filed D.V.O.P.No. 77 of 2015 on the file of Additional Mahila Magistrate Court, Salem. The petitioners filed Cr.P.C P.No.6089 of 2016 on the file of this Hon'ble Court to quash the D.V.O.P.No. 77 of 2015 but the same was dismissed on 02.12.2022 as the quash petition is not maintainable under Sec.482 of Cr.P.C based on the full bench judgment with the observation to pursue other remedies that are available to them in law.
 - Pendency of the HMOP No.946 of 2022 with the view to give quiet, 1st petitioner and the respondent decided to move mutual consent divorce petition on the basis of terms and conditions arrived and petition was also filed before Family court, Chennai. But the mutual divorce petition did not reach its logical end. Subsequently the respondent was set aside and ex parte decree of divorce on 25.10.2022 was granted in the HMOP No. 946 of 2022 in the counter claim filed by the 1st petitioner for divorce. There after the petitioners filed this petition to quash the D.V.O.P.No. 77 of 2015 on the file of Additional Mahila Magistrate Court, Salem.


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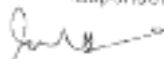
- f. Now after discussion, the Petitioner/s and the Respondent entered into amicable settlement, as per the terms and conditions arrived between them.

TERMS AND CONDITIONS ARE REFERRED BELOW:-

- i. The 1st petitioner agreed to provide permanent alimony of Rs.20,00,000/- (Rupees Twenty Lakhs only) through Demand draft to the respondent and also to return the following Silver, gold jeweleries, Diamond ring and other house hold items to the respondent.

1 Silver Kutthuvilaku	-	2 Nos
2 Silver glass	-	2 Nos
3 Silver samou	-	1 Nos
4 Silver food plate	-	2 Nos
5 Silver sandal vessel	-	2 Nos
6 Diamond Ring	-	1 Nos
7 Jathikal Ring	-	1 Nos
8 Gold jewels	-	12 Sovereigns
9 Cat	-	1 Nos
10 Matresses	-	1 Nos
11 Godrej bureau	-	1 Nos
12 Mixie	-	1 Nos
13 Gas Stove	-	1 Nos
14 Corder	-	1 Nos
15 Air conditioner	-	1 Nos
16 Brass utensils		
17 Ever silver utensils		
18 Non stick utensils		
19 Cooker		
20 Gold Jewel	-	2 Sovereigns

- ii. All the jewelry and articles are to be returned by the 1st petitioner to the respondent.


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- iii. The respondent agreed to receive permanent alimony of Rs 20,00,000/- (Rupees Twenty Lakhs only) through demand draft bearing no. 86236 from the 1st petitioner along with above mentioned Silver, Gold Jewellings, Diamond Ring and other house hold items at Salem and further agreed to endorse no objection in the above CRP, to quash the D.V.O. P No. 77 of 2015 pending on the file of Additional Mahila Magistrate Court, Salem before this Hon'ble Court.
- iv. The respondent is in possession 'Thell and Chain' of 12.5 Sovereigns of the 1st petitioner and instead of getting back 12.5 Sovereigns the same will be adjusted from the gold jewelry mentioned in above clause i and 1st petitioner is returning 1.5 Sovereign to the respondent and the respondent agreed to receive the same from the petitioner.
- v. The 1st petitioner issues bearing Demand Draft No. 862393 for Rs 20,00,000/- (Rupees Twenty Lakhs only) drawn on 23.09.2024 at Kotak Mahindra Bank towards the permanent alimony.
- vi. The petitioner and the respondent to give quibus to their disputes agreed to settle as per the terms as above mentioned. The respondent has no objection and consents to quash D.V.O.P.No. 77 of 2015 pending on the file of Additional Mahila Magistrate Court, Salem, by this Hon'ble High Court.
4. The Petitioners and the Respondent have agreed that they have no further claims or demands against each other with respect to CRP.No 2155/2023 and all disputes and differences in this regard have amicably settled by the parties.
5. The Respondent states that she will not file any Petition to set aside the Ex parte decree passed in HMOP No. 946 of 2022 on the file of II Addl. Family Court, Chennai and admits that decree passed in HMOP No. 946 of 2022 has attained its finality.
6. We, the parties to the Petition, hereby pray to this Hon'ble Court to kindly record the compromise settlement and pass a decree in terms thereof.

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7. I further solemnly affirm that the contents of this affidavit are true and correct to the best of my knowledge.

In these circumstances, it is prayed that Hon'ble Court may be pleased to permit us to compound the offences in O.V.O.P. No. 77 of 2015 on the file of Additional Mahila Court, Salem and quash the same and thus render justice.


1st Petitioner / 1st Accused.


Respondent / Complainant


2nd Petitioner / 2nd Accused.

Solemnly and Sincerely affirmed
And stated at Chennai on this 24th
Day of September 2024 and signed
his name in my presence.

BEFORE ME A.K. Sachindhar,

MS 2633 / 2024
309 - Old Law Chambers,
MTC, Chennai.
ADVOCATE - CHENNAI



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4. I have gone through the compromise. I do not find any illegality or irregularity in the same.

5. Mr.J.Franklin accepts that a sum of Rs.20,00,000/- has been given by the first petitioner to the sole respondent and acknowledge the receipt of the same.

6. In the light of the above, this civil revision petition is disposed of in terms of the compromise. The compromise memo shall form part of the decree. The proceedings in DVOP.No.77 of 2015 on the file of the Additional Mahila Court at Salem has been quashed. Dr.K.M.Sriram undertakes to return the silver article belonging to the sole respondent by tomorrow.

24.09.2024

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To

1. The Additional Mahila Magistrate Court, Salem



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V.LAKSHMINARAYANAN, J.,

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