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Crl.OP.Nos.10129 and 10132 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.Nos.10129 and 10132 of 2024
and
CRL.MP.No.6939 and 7013 of 2024

Velu

... Petitioner
(in both Crl.OPs)

Vs.

C.B. Barani

... Respondent
(in both Crl.OPs)

Common Prayer: Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, to allow this Criminal Original Petition and set aside the order dated 02.01.2024 passed in Crl.MP.Nos.5092 and 5093 of 2022 in Crl.RP.Nos. 12 and 15 of 2018 respectively on the file of the Principal District Sessions Judge, Cuddalore District, Cuddalore.

For Petitioner : Mr.D.Baskar
(in both Crl.OPs)

COMMON ORDER

The petitioner herein being aggrieved by order passed on 02.01.2024 in C.M.A.Nos.5092 and 5093 of 2022 in Crl.R.P.Nos. 12 and



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15 of 2018 on the file of the learned Principal District Sessions Judge, Cuddalore is before this Court challenging the said order.

2. The grievance of the petitioner is that due to matrimonial discord he filed a divorce petition before the Sub Court, Cuddalore in H.M.O.P.No.27 of 2015 and the same was allowed. Being aggrieved, his wife preferred C.M.A.No.4 of 2018 and the same is still pending on the file of the Principal District Court, Cuddalore. When H.M.O.P was pending, his wife filed maintenance case under Section 125 of Cr.P.C and the same was allowed. For two different periods, two maintenance cases were filed and being aggrieved, the petitioner has preferred Criminal Revision Petition Nos.12 and 15 of 2018.

3. Pending disposal of the revision petitions, the parties have arrived at compromise and agreed to dissolve the marriage receiving a permanent alimony of Rs.11,50,000/- , out of which, Rs.10,00,000/- to be deposited in the name of the minor child and Rs.1,50,000/- to be paid to the wife by cash.



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4. When this memo was filed in the pending Criminal Revision

Petitions against the order passed in the maintenance case, the court below has not entertained the compromise memo. Hence, being aggrieved, the petitioner is before this Court.

5. On perusing the records, this Court finds that the petitioner instead of filing the compromise memo seeking to record their settlement of the family dispute agreed to dissolve the marriage after getting permanent alimony of Rs.11,50,000/- before the Court where CMA is pending, had filed the compromise memo in the Revision Petitions. The said memo ought to have been filed in the appeal against the divorce decree (i.e.), Principal District Court, Cuddalore, where C.M.A.No.4 of 2018 is pending. Instead, the memo of compromise is filed in Criminal Revision petitions which is directed against the maintenance granted to the wife and the minor child.

6. This Court finds no illegality or error committed by the Court below in not entertaining the compromise memo which has been filed in an inappropriate proceedings. If the petitioner wants to record the compromise which is a composite memo touching upon both the



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dissolution of marriage as well as maintenance, it is appropriate for him to approach the Principal District Court, Cuddalore, where C.M.A.No.4 of 2018 is pending and seek for appropriate order. If such memo is filed jointly by both the parties, necessary orders shall be passed by the said Court.

7. With the above observations, these Criminal Original Petitions are disposed of. Consequently, the connected miscellaneous petitions are closed.

29.04.2024

Vv

To

1. The Principal District Sessions Judge,
Cuddalore District, Cuddalore



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Dr.G.JAYACHANDRAN,J.

Vv

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