



C.R.P.No.104 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.104 of 2024 and
C.M.P.Nos.510 & 511 of 2024

1.S.Dinesh
2.Senkuttuvan
3.S.Sumathi
4.Suguna

... Petitioners

Vs.

M.C.Abhirami

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the case in D.V.C.No.60 of 2023 on the file of the Judicial Magistrate Court-II, Mannargudi and quash the same.

For Petitioners : Mr.P.Sidharthan

For Respondent : Mr.S.Alagiri

ORDER

The petitioners/respondents filed the civil revision petition to quash the proceedings filed by the respondent in D.V.C.No.60 of 2023 before the learned Judicial Magistrate No.II, Mannargudi.



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2. Gist of the case is that the petitioners are husband, father-in-law, mother-in-law and sister of mother-in-law of the respondent. The marriage between the 1st petitioner and the respondent took place on 21.02.2020 in PSG Mahal, Mannargudi Town. Prior to the marriage, engagement function held. The substantial portion of expenses for both engagement and marriage borne by the respondent's family. During the marriage, gold jewels, silver jewels, household articles and Sreedhana articles presented by the respondent's family. The 1st petitioner is an MBA Graduate, at the time of marriage, he was employed as Senior Executive at Operation Sima Marine Private Limited. Initially, the respondent was working in Lakshmi Vilas Bank and later, in South India Bank as Deputy Manager. After the marriage, the 1st petitioner and respondent lived as husband and wife at Silent Valley Apartment in Mudichur, Tambaram as joint family along with petitioners 2 & 3. The colleagues of the respondent in connection with her used to call the respondent in her mobile, which was objected by the petitioners. Later the 1st petitioner and the respondent set up a separate family in Moulivakkam, at that time also the relationship between the husband and wife was not cordial.



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3. During the month of February, 2022, the respondent was transferred to a Rural Branch at Nelvayil of Chengalpet District and she stayed in a ladies hostel. During COVID-19 period, the bank where the respondent was working, was functional and she was attending work, which was objected by the petitioners. Later, the 1st petitioner contracted with COVID-19 and he was in isolation. The petitioners accused the respondent and alleged that she is the reason for COVID-19 sufferings of the 1st petitioner. Hence, all the petitioners forced the respondent to resign her job. Infact, her earnings mostly used by the petitioners for all their requirements and needs. The 1st petitioner was not interested in the matrimonial life and he was active in social media (Instagram) with fake ID. Due to which, trust and relationship further got deteriorated. Finally, the 1st petitioner and the respondent got separated.

4. Earlier to it, the 1st petitioner filed divorce petition in H.M.O.P.No.62 of 2020 before the Family Court at Mannargudi which is defended by the respondent. The respondent having no other alternative to protect herself from the harassment and threat, filed domestic violence



complaint against the petitioners seeking protection, handing back Sridhana articles and sought compensation. Challenging the same, the present civil revision petition filed.

5.Both the learned counsel for the petitioner and the respondent submitted that during the pendency of the above case, both the petitioner and the respondent came to an understanding, resolved the difference and compromise whereby it was agreed that all Sreedhana articles will be handed back to the respondent and any articles which is available with the respondent would be handed back to the 1st petitioner. Further, the 1st petitioner agreed to withdraw divorce petition in H.M.O.P.No.65 of 2020 filed against the respondent. Both parties agreed to file divorce petition by mutual consent under Section 13-B of the Hindu Marriage Act before the concerned Court.

6.Today, both the 1st petitioner and the respondent appeared before this Court and produced memorandum of compromise, dated 05.04.2024 entered between them. The scanned reproduction of the same is as follows:



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தமிழ்நாடு TAMILNADU
5 APR 2024

S. Dinesh
M.C. Abirami

DB 448250
D. GAUTHAMAN
STAMP VENDOR
No. 1090/18/CH(C)/2021
No. 6, Nandambam Cross Street,
Kalyank, Chennai - 600 010.

(MEMORANDUM OF CIVIL REVISION PETITION
[UNDER SECTION 227 OF CONSTITUTION OF INDIA]
IN THE HIGH COURT OF JUDICATURE AT MADRAS

CRP.NO. 104 OF 2023

AGAINST

D.V.C.NO. 60 OF 2023

(ON THE FILE OF THE JUDICIAL MAGISTRATE COURT -I,
MANARGUDI, CHENNAI)

1.S.DINESH (33 YRS)
S/O SENKUTUVAN

2.MR.SENKUTUVAN (70 YRS)
S/O.LATE SHRI GOVINDARAJAN

S. Dinesh
05/04/2024
S. Dinesh
M.C. Abirami

M.C. Abirami



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3.MRS.S.SUMATHI (60 YRS)
W/O SENKUTUVAN
1 TO 3 ALL HAD AN ADDRESS AT
NO.362/5, SARAWATHI AMMAL NAGAR
SENTHAMANGALAM, TIRUVARUR DISTRICT

4.MRS.SUGUNA (58 YRS).
W/O.KRISHNAMURTHY
SENTHAMANGALAM, KELAKATHUVAKUDI
TIRUVARUR DISTRICT

..... PETITIONERS/RESPONDENTS

V-

MRS.M.C.ABHIRAMI (27 YEARS)
D/O MOHANDOSS
RESIDING AT
NO.3/543, MAIN ROAD, ALANKOTTAI
MANNARGUDI TALUK, TIRUVARUR DISTRICT.
PRESENTLY AT
NO.995 E. II AVENUE, ANNA NAGAR, CHENNAI-600040.

...RESPONDENT/PETITIONER

This Compromise Deed was made on this day of 2024

BY AND BETWEEN

1.S.DINESH (33 YRS)
S/O SENKUTUVAN

2.MR.SENKUTUVAN (70 YRS)
S/O.LATE SHRI GOVINDARAJAN

3.MRS.S.SUMATHI (60 YRS)
W/O SENKUTUVAN
1 TO 3 ALL HAD AN ADDRESS AT
NO.362/5, SARAWATHI AMMAL NAGAR
SENTHAMANGALAM, TIRUVARUR DISTRICT

4.MRS.SUGUNA (58 YRS).
W/O.KRISHNAMURTHY
SENTHAMANGALAM, KELAKATHUVAKUDI
TIRUVARUR DISTRICT

S. Dinesh
S. Suguna
S. Sumathi

M.C. Abhirami



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: 1 :

Hereinafter called 1st parties or Petitioners all represented by the 1st petitioner namely Dinesh.

AND

Mrs.P. M.C.Abhilrami, D/o Mohandoss, No.3/543, Main Road, Alankottai Mannargudi Taluk, Tiruvarur District, presently at No.995E, II Avenue Anna Nagar, Chennai-40, hereinafter called 2nd PARTY or Respondent, the terms of compromise as follows:

- A. Both Parties (1st petitioner and respondent) submits that they were married on 21/02/2020 as per Hindu rites and Customs at P.P. Maha Mannargudi Town and the said marriage was arranged by the elders of both the families. After marriage both stayed in their matrimonial home at Tambaram and Moulivakkam.
- B. The 2nd Party submits that her parents had gifted gold ornaments worth 65 Sovereigns of gold and house articles out of which 59 sovereigns of gold ornaments and house hold articles were returned by the 1st petitioner on 15/07/2022 as per the list and remaining 6 sovereigns (Bangles-2 Nos, Chain with dala-1, Shudd 2 set) will be handed over to the second party/Respondent at the time of taking evidence in the mutual consent petition which will be jointly filed before Family court at Chennai.

S. Senthil
S. Senthil
Petitioner

M. S. Senthil



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C. The 2nd Party/Respondent will hand over (Thalli-1Sovereign,Kasu-2g) will be handed over to the first petitioner at the time of taking evidence in the mutual consent petition which will be jointly filed before Family court at Chennai.

D. Both Parties hereby declare that there is misunderstanding and incompatibility between themselves and the efforts taken by them as well as by the elders to resolve the same ends in vain. Hence, both parties have decided to dissolve the marriage held on 21/02/2020 as per Hindu rites and Customs at P.P,Mahal Mannargudi Town by way of Mutual Consent Divorce at Family court Chennai.

NOW THIS DEED OF COMPROMISE WITNESSETH

AS FOLLOWS:-

1. The 2nd Party/Respondent submits that she has taken back all her Sighana articles, 59 Sovereign Jewels, and other house articles except 6 sovereigns (Bangles-2 Nos, Chain with dollar-1, Studd 2 set) will be handed over to the second party/Respondent by the 1st petitioner at the time of taking evidence in the mutual consent petition which will be jointly filed before Family court Chennai.
2. The 2nd Party/ respondent will hand over (Thalli-1Sovereign,Kasu-2g) will be handed over to the first petitioner at the time of taking evidence in the mutual consent petition which will be jointly filed before Family court Chennai.

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S. S. S. S.
S. S. S. S.
S. S. S. S.

N. S. S.



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3. The 1st petitioner of 1st party and 2nd Party/Respondent hereby agrees to close joint account bearing S/B/Account No.0465301000037145 Previously LVB now Part of DBS, Moulivakkam Branch Chennai and 1st petitioner has given the signed form along with copy of Aadhaar to second party/Respondent to complete the formality.
4. Both Parties agrees that they have not exchanged the gold ornaments and cash gifted to them from guest and relatives during the time of marriage and the same is retained by them.
5. Both Parties hereby declares that there will not be any more present, past and future claims and demands against each other and both parties may lead their life independently without the interference of anyone from any side after getting Mutual Consent Divorce without any more battles.
6. Both Parties hereby agrees to record this duly signed and notarized Compromise Deed in CRP No.104 of 2023 pending on the file of The Hon'ble High Court of Madras and as per the directions of The Hon'ble High Court, the 1st Party will withdraw his H.M.O.P.No.65 of 2022 pending on the file of Sub Court of family court Mannargudi and the 2nd Party/Respondent will no objection in quashing the

S. D. Raju
S. S. Senthil
S. Senthil

Notary



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: 6 :

D.V.C.No.60/2023 on the file of Judicial Magistrate No.II Mannargudi by this Hon'ble Court.

7. The Advocates for both parties may get appropriate directions from Hon'ble High Court of Madras to execute the arrangement smoothly. The Advocates may also file Waiver Petition in appropriate court for speedy disposal of Mutual Consent Divorce Petition. The Advocates of both parties may co-ordinate each other smoothly for filing and disposal of the Mutual Consent Divorce along with this Compromise Deed in appropriate court without any undue delay preferably within one month from the date of signing this Compromise Deed.
8. Both Parties hereby agrees that this Compromise Deed is irrevocable and unquestionable and undertakes that this Deed would inter alia be legal, valid, binding and enforceable and executable in all manners and none of the parties shall be at liberty to take advantage of any technical language or lacuna if any, if the same are not explained hereinbefore. Any violation of the terms and conditions stated above, enables the parties to file fresh Petitions on the basis of fresh cause of action in Court.
9. Both parties agree and undertake not to initiate any civil or criminal proceedings against each other or against their respective family

S. S. Srinivas
S. S. Srinivas
S. S. Srinivas

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members under any Act in force in Tamil Nadu, India or abroad and agree to give a quietus to their matrimonial dispute.

10. Both parties agree that they will not do any act in any form or discuss each other or their families in any media, including social media, which will mar or damage their respective reputation in any form or through anyone at any time.

11. Both parties hereby agree to abide by the terms and conditions set forth in this Compromise Deed and agree to get Mutual Consent Divorce without violating the same and there is no collusion, threat or force in executing this Compromise Deed and both have mutually agreed to dissolve the marriage and set forth their hands hereunder.

Dated at Chennai on this 27th day of April 2024.

Witness
S. Suresh Kumar
S/o Balasubramanian
Flat 10, Block 1, South Valley Apartment
Mylasethanbaram, Chennai - 65

1st PARTY
S. Suresh Kumar
S. Suresh Kumar
S. Suresh Kumar

2nd Witness
J. P. Senthil
J. P. Senthil
S/o S. Suresh Kumar
3/14 T, Main Road,
Alangothai - Mannargudi - 76
Thiruvananthapuram, 614012

2nd PARTY
S. Suresh Kumar



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7.As per the memorandum of compromise, they agreed that the relationship had reached a stage where continuation of matrimonial life is not possible, both agreed to part ways for good. Both of them to have their own way of life. As per the memorandum of compromise, the respondent agreed to withdraw the domestic violence complaint in D.V.C.No.60 of 2023 on the file of the Judicial Magistrate Court No.II, Mannargudi on condition that the petitioners adhere to undertaking given in the memorandum of compromise.

8.In the result, the civil revision petition stands allowed quashing the proceedings in D.V.C.No.60 of 2023 on the file of the Judicial Magistrate Court No.II, Mannargudi. The connected miscellaneous petitioners are closed. No costs.

30.04.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes/No

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To

The Judicial Magistrate No.II,
Mannargudi.

Note: Issue Order Copy on 03.05.2024.



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M.NIRMAL KUMAR, J.

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