

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF MARCH, 2022

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.8248 OF 2015 (GM-FC)

BETWEEN:

(BY SRI. S.K.PRATHIMA, ADVOCATE)

...PETITIONER

AND:

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN M.C.1607 OF 2013 ON THE FILE OF THE HON'BLE I ADDL. PRINCIPAL JUDGE, FAMILY COURT AT BANGALORE VIDE

ANN-G; QUASH THE ORDER DATED 6.2.2015 IN M.C.NO.1607 OF 2013 ON THE FILE OF THE I ADDL. PRINCIPAL JUDGE, FAMILY COURT AT BANGALORE VIDE ANN-G AND AWARD MAINTENANCE AS CLAIMED IN INTERIM APPLICATION IN MC NO.1607 OF 2013.

THIS PETITION COMING ON FOR FURTHER HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

This matrimonial cause was heard at length on several occasions; yesterday, both the sides broadly agreed for an amicable settlement and accordingly, the following order was made:

“Both the sides have compromised the lis to the effect that the marriage between them shall stand dissolved and they are at liberty to restructure their lives in the way they want without interference; all allegations made against each other stand unconditionally withdrawn as not being true & correct.

Both the sides have agreed to withdraw all other cases unconditionally filed against each other; the courts, wherein the proceedings are pending are requested to make all efforts to put the same to a decent burial; the respondent has undertaken to pay Rs.7,50,000/- (Rupees Seven Lakh Fifty Thousand) only, to the petitioner within four weeks from this day, some part being paid tomorrow itself; there are other terms too; a Compromise Petition to this effect has been filed which the court needs to peruse and pass order.

Call this matter on 3.3.2022”.

2. In furtherance of the order as made above, both the petitioner and the respondent have submitted the Compromise Petition this day which reads as under:

“MEMORANDUM OF SETTLEMENT AGREEMENT

1. *The above petition has been preferred by the petitioner being aggrieved by order dated 6.02.2015 in M.C. No 1607/13 passed by the Ist Additional Family Judge at Bangalore. The said petition is filed by the respondent seeking to declare the marriage solemnized between the parties on 6.12.2012 as null and void. The petitioner has filed counter petition in MC No. 4150/2013 and M.C.No.2893/2020. Thereafter both the parties have filed criminal cases against each other before various Forums/Courts which are yet to attain a finality.*

2. *During the course of hearing the above petition, considering the fact that both the Petitioner and Respondent are Doctors by profession holding various other qualification/degrees in their area of specialization have been embroiled in number of litigations against each other, this Hon'ble Court thought it fit to intervene and counsel the parties extensively to set aside their differences and arrive at an amicable settlement.*

3. *The petitioner and the respondent submit that they have resolved and accordingly put an end to all their matrimonial disputes and differences through the intervention and efforts of this Hon'ble court and with the help of the learned counsel representing the petitioner. The terms of settlement as arrived at between the parties are as under:*

i. The Parties agree that the marriage solemnized between the petitioner and respondent

on 6-12-2012 shall be declared as null and void as per the terms contained in the present agreement.

ii. That the Respondent has agreed to pay a total sum of Rs 7,50,000/- (Rupees Seven lakhs and fifty thousand only) to the petitioner towards full and final settlement of all and whatever claims of the respondent including maintenance, permanent alimony, marriage expenses and the like; in pursuance of the same, the respondent has paid a sum of Rs 2 lakh (Two Lakh Only) to the petitioner by way of two cheques: 1. Banker's cheque bearing No. 937303, drawn on State Bank of India, Yelahanka Branch, Bangalore for an amount of Rs. 1,50,000/- (One lakh and Fifty Thousand only) 2. Manager's cheque, bearing No. 006108, drawn on HDFC Bank, Yelahanka Branch, Bangalore for an amount of Rs. 50,000/- (Fifty Thousand only), both dated 3.03.2022, the receipt of which the petitioner herein has acknowledged and that the balance amount of Rs. 5,50,000/- (Five Lakh Fifty Thousand Only) shall be paid by the respondent by remitting to petitioner's S.B. Account No. 64009718709, State Bank of India Branch, Nagarbhavi II Stage, Bangalore, or by way of D.D. within a period of four weeks.

iii. Both the parties shall file appropriate application and take necessary measures to withdraw all matrimonial, civil and criminal proceedings pending against each other enlisted below as the same are not structured on true and correct fact matrix and consequently, allegations made therein stand automatically withdrawn by each other:

a. CrI. Misc No. 47/2020 pending before III rd Metropolitan Magistrate Traffic Court.

b. Criminal Appeal No. 824/2020 pending before Sessions Court at Bangalore.

c. C.C. No.13733/2015 pending before ACMM Court.

d. M.C. No.2893/2020 pending before 1st Additional Family court.

e. M.C. No.1607/2013 filed by the respondent against the petitioner seeking declaration of nullity of their marriage to be allowed by the 1st Additional Family court, Bangalore, in terms of this Compromise Petition without reference to allegations made against each other; consequently, the counter claim filed by the petitioner herein stands negated.

f. It hardly needs to be stated that Crl.Appeal No. 756/2020 filed by the respondent's brother Mr. Prithvi Ramachandra shall also be put to a decent burial and the responsibility for this exclusively lies with the respondent herein.

g. Crl.Misc No.9/2014 filed by the petitioner having already been disposed off favourable to her, the adverse order made therein is put in challenge by the respondent in Crl.A.No.824/2020 which is now pending before the CCH 68; the petitioner shall make an appropriate application in the said appeal for withdrawing the original proceedings i.e., Crl.Misc. No.9/2014 in the pending appeal so that the order made therein stands rescinded once for all. Even otherwise, the order put in appeal shall be treated having been so rescinded.

iv. Both the parties also undertake to withdraw and/or make necessary submissions before the Hon'ble High Court of Karnataka for quashing other pending cases, which have been filed against each other and/or their respective families. Both the parties undertake that henceforth they would not file any civil/criminal complaint or any case against each other or their family

members with regard to the present matrimonial issue.

v. The respondent has agreed to handover to the petitioner all the medical records, original documents, evidences, photographs collected or stored in the form of DVD, CD or other digital/print media pertaining to the petitioner and undertakes not to use the same as against the petitioner or her family now or in the future. Similarly the Petitioner will hand over the medical records of Respondent's sister to the Respondent.

vi. That both the parties shall make necessary application/s before the concerned Court for return of original documents submitted as evidence before the Court and after obtaining the documents, the parties will hand over the same to each other.

vii. The parties undertake to hand over to each other gold jewelry exchanged between the parties at the time of solemnization of marriage. At the same time, the Parties will also mutually exchange each other's remaining items like engagement album, photographs or other material pertaining to their marriage. This mutual exchange of remaining items will be done on complete trust since it is a matter of each other's word and neither Party will create a situation which will put the further execution of this agreement in jeopardy.

viii. That pursuant to engrossing their signatures on the present Settlement Agreement and fulfillment of all the terms of the present Settlement, the parties shall not interfere in the lives of each other in any manner including personal, oral, written, electronic or telephonic contact and also will not make any allegation against each other and/or their respective family members.

4. The parties further undertake before this Hon'ble Court to abide by all the terms and conditions set out in the settlement agreement and in case of breach of any of the terms and conditions as envisaged hereinabove, the parties are liable to be punished under the provisions of Contempt of Courts Act, 1971.

5. That it is further agreed between the Parties that they shall not henceforth create any situation which may defame or lower the reputation of each other in the society.

6. The parties hereby declare that the above said terms are arrived at without any coercion, duress or collusion and made voluntarily by the parties. Both the parties shall be estopped in law to assail the validity of any clause/term of the Settlement on the ground of the same being void or unlawful subject to the payment of the entire amount in terms of the present Settlement Agreement.

7. That the present Settlement Agreement shall remain effective and binding on the parties and shall form part of the decree of dissolution of marriage.

In view of the aforesaid settlement, entered into between the parties, it is prayed that this Hon'ble court may be pleased to record the above compromise and decree M.C.No.1607/2013 decreeing that the marriage solemnized between the petitioner and respondent on 6-12-2012 at Gangamma Thimmaiah Kalyan Mantap, Basaweshwara Nagar, Bangalore, as null and void.

Advocate for Petitioner

Petitioner

Respondent party in person

Respondent

Bangalore

Date:3.03.2022”

3. I have carefully perused the contents of Compromise Petition; I have interacted with both the estranged parties and I have heard learned counsel appearing for the petitioner; I am of a considered opinion that the terms of Compromise Petition and their effect are in the best interest of the parties who seek exit from the wedlock so that they can reshape their lives in the way they want with no interference from each other; both the sides have agreed to & accordingly, have put an end to all civil, matrimonial & criminal cases once for all; there is no impediment legal or factual for disposing off all the cases of the parties in terms of this Compromise.

4. M.C.No.1607/2013 filed by the respondent against the petitioner needs to be allowed by the jurisdictional Family Court by granting a decree of declaration of nullity of their marriage as mentioned in the Compromise Petition; similarly, learned Judges of the jurisdictional Criminal Courts would

make appropriate orders putting an end to the criminal cases between the parties now pending on their file in the original or appellate jurisdiction to the effect that both the parties are set free of all the allegations & accusations.

5. It hardly needs to be stated that this special arrangement finds imprimatur of this court in the extraordinary circumstances of this case; it is expected that all the jurisdictional courts below (Civil, Criminal or Matrimonial) shall take all appropriate proceedings to give full effect to the compromise concluded between the parties and to this judgment, before long.

In the above circumstances and with the above observations, this Writ Petition is disposed off reserving liberty to the parties and the courts below concerned to seek clarification or direction for the removal of difficulty in giving effect to this judgment.

Costs made easy.

**Sd/-
JUDGE**