

(2012) 08 KAR CK 0170
In the Karnataka High Court
Case No : Criminal Petition No. 4345 of 2012

K N Shrinidhi, Smt Kamala P and Soumya H N

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 08-08-2012

Acts Referred:

Citation : (2012) 08 KAR CK 0170

Hon'ble Judges : V. Jagannathan, J

Bench : Single Bench

Advocate : N.P. Kalleshgowda, for the Appellant; P. Karunakar, H.C.G.P., for the Respondent

Final Decision : Allowed

Judgement

V. Jagannathan

1. This matter was taken up in the chambers today at 2.00 p.m. to find out as to whether the first and third petitioners can resolve their disputes amicably and live together as husband and wife notwithstanding the settlement arrived at between them before the Mediation Centre. After due deliberations, both the first and third petitioners were of the view that it is not possible to bring them back to live as husband and wife once again. As the efforts failed, this court, therefore, accepts the settlement arrived at between them before the Medication Centre, which is produced at page-23 to this petition. The terms and conditions of settlement between them are as under:

i) Both the parties are Hindus by religion. Their marriage was performed on 27.4.2005 at Sri Nagareshwara Kalyana Mantapa, Gandhi Bazaar, Bangalore, as per Hindu rites and customs and registered before the Registrar of Marriage, Basavanagudi, Bangalore, vide Marriage No. BSG-M1169-2005-06 dated 18.3.2006 in C.D. No. BSGM4. After marriage, both the parties started living together in Bangalore and they last resided together at Bangalore, within the jurisdiction of the Hon"ble Court.

ii) Due to irreconcilable differences, misunderstanding and severe incompatibility between them, both the parties could not get along with each other and as such, they started living separately for more than five years, depriving each other of their relationship, companionship and marital bliss. There is no chance of the parties rejoining and leading a happy marital life. The efforts made by their elders, well-wishers and relatives to reunite them and to bring them under one roof as husband and wife to lead a happy married, did not yield any fruitful result. Even during the course of mediation, despite best efforts, both the parties have not been able to eschew their difference and reconcile. Now both the parties on their own free will and volition and without any coercion, threat or undue influence have agreed to get their marriage dissolved by a decree of divorce.

iii) Both the parties state that from their wedlock, they have been blessed with a female baby by name Shravya S, who is now aged about six years, is presently under the care and custody of the respondent. The petitioner has no objection for the respondent-mother to have the care and custody of their minor daughter and to be the sole guardian to her.

iv) Both the parties give up their right to claim any maintenance/permanent alimony as against each other. However, the petitioner hereby agrees and undertakes to deposit a sum of Rs. 8,50,000/-(Rupees eight lakhs fifty thousand only) in the name of their minor daughter Shravya S. in the Corporation Bank, Girinagar Branch, Bangalore, by showing the respondent-mother as the guardian and nominee and further agrees to hand over the Fixed Deposit Receipt to the respondent before the Hon''ble Family Court on 6.8.2012.

v) The petitioner has no objection for the respondent-mother to withdraw the interest amount to be accrued monthly from the said Fixed Deposit Account and shall utilise the same for the welfare and education of their minor daughter Shravya S.

vi) The petitioner has also no objection for the respondent to retain with her the gold mangalasutra and ear studs given to her by him at the time of marriage. The respondent states that she has already taken all her belongings/articles belonging to her from the residence of the petitioner.

vii) In view of the settlement so reached between them, the respondent hereby agrees to withdraw/close the criminal proceedings filed by her in C.C. No. 8655/2012 pending on the file of the II Addl. Chief Metropolitan Magistrate, Bangalore. The respondent also agrees to withdraw Writ Petition No. 13231/2012 pending on the file of the Hon''ble High Court of Karnataka, Bangalore. Both the parties hereby agree to co-operate with each other in getting C.C. No. 8655/2012 and W.P. No. 13231/2012 withdrawn/closed/quashed.

viii) Both the parties confirm and declare that apart from what is stated above, they have no other claim/s, monetary or otherwise of whatsoever nature, either past, present or future as against each other and/or against their respective

assets either presently owned by them or that they may acquire in future in their respective names.

ix) Both the parties agree that they shall, on and from the date of recording of this settlement, not to interfere with each other's life and they shall be entitled to get on which their lives in any manner they may choose to do so.

2. In view of the aforesaid agreement between the parties and the interest of the daughter of the couple also being taken care of by them as mentioned in the settlement at clause (iv), the proceedings pending on the file of the II Addl. C.M.M., Bangalore, in C.C. No. 8655/2012 stands quashed. The petition stands allowed accordingly.