

**HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

FCA Nos. 76 AND 77 OF 2015

P.C.: (per the Hon'ble Sri Justice Dilip B. Bhosale)

Learned counsel for the parties state that the parties have amicably settled their disputes and they have tendered memorandum of compromise and prayed for decree in terms of the compromise. The memorandum of compromise is taken on record and marked as 'X' for identification. The appellant's father and the respondent are present in the Court. They both state that they have gone through the memorandum of compromise and they have understood the same. The father of the appellant submits that his son who is presently in USA has also seen the memorandum of compromise which was sent to him by E-mail and he has consented for disposal of these appeals in terms of the memorandum of compromise.

In the memorandum of compromise, the parties have prayed for allowing them to convert O.P No. 285 of 2012 filed for annulment of marriage under Section 12 of the Hindu Marriage Act, 1955 (for short, 'the Act') into a petition for divorce by mutual consent under Section 13B of the Act. Admittedly, parties parted each other's company in January, 2012 and since then, they have not stayed together at all. They withdrew allegations against each other. Keeping that in view and having satisfied that under any circumstances, the appellant and the respondent cannot come together, we allow them to convert O.P No.285 of 2012 into a petition for divorce by mutual consent, as provided for in the memorandum of compromise. Thus, the decree for annulment of marriage stands converted into a decree of divorce by mutual consent under Section 13B of the Act.

The respondent – wife admits that she has received all

ornaments as mentioned in paragraph 8 of the memorandum of compromise in the Court. Learned counsel for the appellant handed over all the ornaments in the Court to the respondent. She also confirmed that she has received the demand drafts of Rs.35,00,000/- as provided for in paragraph 6 of the compromise petition.

Learned counsel for the appellant submits that the appellant has already filed petitions before this Court bearing Criminal Petition Nos.11261 of 2014 and 13506 of 2013 for quashing of the criminal complaints filed by the respondent bearing CC No.609 of 2014 under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the respondent, on instructions, submits that he has already entered appearance in the above criminal petitions and he shall give consent for either compounding the offence or for quashing of the criminal case or for seeking discharge, as the case may be, before the learned single Judge. His statement is recorded and accepted. We hope and trust that the learned single Judge having regard to the compromise between the parties, shall pass the appropriate order.

The appeals are accordingly disposed of in terms of the memorandum of compromise. The Registry is directed to draw a decree of divorce by mutual consent.

Miscellaneous petitions, if any, in these appeals also stand disposed of.

DILIP B. BHOSALE, J

A. RAMALINGESWARA RAO, J

09-03-2015
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