

# SUPREME COURT OF INDIA

Harpit Singh Anand

Vs.

State of W.B.

CrI.A.No.1231 of 2003

(N. Santosh Hedge and B. P. Singh JJ.)

26.09.2003

## ORDER

1. Leave granted.

2. All these appeals arise out of matrimonial dispute between Harpit Singh- the husband and Gur Preet Anand Kaur - the wife, who were married on 7th January, 2001. They have no issue from the said marriage and from the record it is seen that the disputes that have arisen between the two have reached such a position that the marriage has broken down irretrievably inspite of efforts of all well wishers. Parties have taken recourse to criminal proceedings against each other, details of which will be referred to hereinafter. It is because of the criminal complaint filed by the parties against each other. The above S.L.Ps., seeking various reliefs including the relief of anticipatory bail, have been preferred before this court. Fortunately, good sense has since prevailed and parties have now come to an amicable settlement and filed a Compromise Deed signed by both the husband and the wife witnessed by other well wishers before this Court. The Deed is dated on 22<sup>nd</sup> September, 2003 and the same is taken on record.

3. As per the terms of the Deed one of the terms of the said settlement is that the husband has to pay sum of Rs. 5,00,000/- (Rs. Five lacs only) to the wife towards full and final settlement of all her claims for maintenance -past, present and future which amount has been paid in this Court receipt of which the wife acknowledges and the wife has relinquished all her rights to claim any maintenance or alimony - past, present or future.

4. The parties have also agreed all the jewellerys brought by the wife have been returned already to the wife and those articles which are yet to be returned to the wife, list of which is annexed to this Deed, will be handed over to the wife or her representatives at Pune, on such persons approaching the husband.

5. Parties have also agreed that all their complaints and other petitions filed, may be dismissed by this Court exercising the power vested in this Court under Article 142 of the

Constitution, by which complete justice to the parties will be done in this case and would avoid all future litigations.

6. On facts and circumstances of the case and in view of the fact that the parties themselves have agreed and prayed for the final disposal of all cases, we direct;

(1) Case No. M 65/2003 pending in the Court of Vth Chief Judicial Magistrate Sealdah.

(2) FIR Case No. 14 dated 9<sup>th</sup> January, 2003, filed under Section 498A/406/328/511/307 I.P.C. registered at Police station Benia Pukur, Calcutta and the further proceedings arising from the same;

(3) The Marriage Petition No. 70/2003 pending before the Court of Civil Judge, Senior Division, Pune, filed under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking the dissolution of the marriage; are all quashed and the said cases shall be closed either by the respective investigating agencies or by the courts concerned based on this order.

7. Parties have filed before this Court a Divorce Petition by mutual consent under Section 13(B) of the Hindu Marriage Act, which is taken on record. We have perused the same and in our opinion, in view of the fact that marriage between the parties has broken down irretrievably, it is necessary that to put a quietus to all litigations between the parties and not to leave any room for future litigation and on the request of the said parties exercising the power vested in us under Article 142 of the Constitution, we allow this petition for divorce by mutual consent and direct that this marriage solemnised is dissolved and they are granted a decree of divorce by mutual consent.

8. The parties are directed to strictly adhere to the terms of the Compromise Deed filed before this Court as also the orders or directions made by us in this order. The above appeals and other proceedings, reference to which has been made, in the course of this order, shall stand disposed of in the said terms.