

SUPREME COURT OF INDIA

Commodore Vimal Kumar

Vs

Ruchi Rastogi

Transfer Petition (crl.) 59 of 2007

(Tarun Chatterjee and H.S.Bedi)

29/04/2008

JUDGMENT

ORDER

1. This matter has arisen out of a Petition filed by the husband against the wife under Section 406 of the Criminal Procedure Code for transfer of case arising out of FIR No. 257/2004 lodged at Police Station New Ashok Nagar, Delhi and Criminal Case No.178/2004 from the Karkardooma Courts (Delhi) to the competent Courts at New Mumbai (Maharashtra). On notice the parties have appeared before us and with the intervention of the Court and during the pendency of these proceedings, the parties have compromised their disputes. A copy of terms of the compromise has also been put on record by way of an application (Crl. Misc. Petition No. 5771/2008). As per the terms of this compromise deed dated 15th March 2008, all the litigations pending in various courts inter-se the parties are to be disposed of. We accordingly take on record the deed of compromise. In view of the compromise and in exercise of our authority under Article 142 of the Constitution of India, we withdraw all the litigations (except the matrimonial petition pending in the Court at Panwel [Maharashtra]) to this Court and pass orders in terms of the compromise thus ending all litigations inter-se. We also direct the parties to move an application under Section 13-B of the Hindu Marriage Act, 1956 before the appropriate Court which shall take up the matter on a priority basis and dispose of the same in terms of the compromise. We further clarify that no further claim shall remain to be settled inter-se the parties. The present application is accordingly disposed of in the above terms.