

SUPREME COURT OF INDIA

Rajesh

Vs.

State of Rajasthan

Transfer Petition (Crl.) No.71 of 2007

(Dr. Arijit Pasayat and Asok Kumar Ganguly)

23.01.2009

JUDGMENT

Dr.Arijit Pasayat, J.

1. The petitioner has sought for transfer of Criminal Case FIR No.352 dated 7.12.2005 under Sections 406, 498A read with Section 34 IPC titled Sangeeta v. Rajesh pending in the Court of Judicial Magistrate, First Class, Chittorgarh, to a court of competent jurisdiction in Hissar.

2. This transfer petition was posted before Supreme Court Lok Adalat on 6.12.2008. The parties and their lawyers appeared and filed a joint petition stating that their disputes have been settled under the guidelines of the mediators who acted as Amicus Curiae.

3. The following were the terms of settlement:

“A. It is agreed between the parties that Shri Rajesh will pay a sum of Rs.8 lakhs by way of a demand draft to Smt. Sangeeta on or before 30th June, 2009.

B. It is further agreed that the articles, as agreed upon by the parties in a separate list, shall be sent by Shri Rajesh to the house of Smt. Sangeeta at Chitorgarh.

C. It is further agreed that the custody of the minor child named Lucky who is now been with Smt. Sangeeta shall remain with her and Shri Rajesh will not claim anything with regard to child's custody from Smt. Sangeeta or her family hereinafter.

D. It has been agreed that the cases filed by both the parties:-

(i) Criminal Case filed by Smt. Sangeeta under Section 498(A) of Code of Criminal Procedure, 1973 (in short the `Code') against Rajesh at Chittorgarh;

(ii) Criminal case filed against Shri Rajesh under Section 125 of the Code at Chittorgarh;

(iii) Petition under Section 13 of Hindu Marriage Act for grant of divorce filed by Shri Rajesh against Smt. Sangeeta pending before the Family Court at Chittorgarh;

(iv) Present Transfer Petition No. 71/2007 filed by Shri Rajesh pending before this Court shall be withdrawn/settled.

It is further agreed that in terms of this settlement arrived at hereinabove a decree for divorce may be passed. No further claim of any kind shall be raised against each other or with regard to the minor child Lucky hereinafter.”

4. It is heartening to note that the parties have settled their disputes amicably and have agreed to the aforesaid terms. The transfer petition is disposed of in terms of the settlement. The petition incorporating the terms of settlement shall form a part of the record.