

SUPREME COURT OF INDIA

Santosh Kumar Pahadiya

Vs.

Usha Gupta

C.A.No.484 of 2009

(B.N. Agrawal and G.S. Singhvi JJ.)

28.01.2009

ORDER

1. Delay condoned.

2. Leave granted.

3. Heard learned counsel for the parties.

4. As undertaken yesterday, i.e., 27th January, 2009, a joint petition of compromise has been filed on behalf of both the parties, perusal of which shows that they have agreed to compromise all the disputes and have also agreed to suffer mutual consent divorce decree. The husband has agreed to pay a sum of rupees fifteen lakhs to the wife in two instalments by way of permanent alimony. He has agreed to pay the first instalment of Rupees seven lakhs fifty thousand on 30th April, 2009 and the second instalment on or before 31st July, 2009. Both the parties have agreed in Court that the aforesaid payment shall be made by an Account Payee Draft drawn in favour of the wife upon a Bank at Lahar, District Bind, within the State of Madhya Pradesh. They have further agreed that, in case any of the instalments is not paid within the aforesaid time, this order may stand recalled. Learned counsel appearing on behalf of the wife stated that the petition filed by her under Section 125 of the Code of Criminal Procedure, which is pending in the Court of Judicial Magistrate, First Class, Lahar, may be treated as withdrawn. As regards Criminal Case No.4929 of 2006 pending in the Court of Judicial Magistrate, First Class, Gwalior, within the State of Madhya Pradesh, against the husband and other accused persons, the parties agree that the same may be quashed in view of the compromise.

5. In our view, the compromise is lawful. The same is taken on record. The civil appeal is allowed, impugned judgments are set aside, the petition for divorce is allowed and mutual consent divorce decree is granted. The proceedings of Criminal Case No.4929 of 2006 pending in the Court of Judicial Magistrate, First Class, Gwalior, within the State of Madhya Pradesh are quashed. It is also declared that the petition filed by the wife under Section 125 of the Code of *Criminal Procedure, 1973*, which is pending in the Court of the Judicial

Magistrate, First Class, Lahar, shall stand disposed of as withdrawn. It is made clear that if any of the two instalments is not paid by the husband, then this order shall stand recalled and the special leave petition shall stand dismissed.