

SUPREME COURT OF INDIA

Kavita Yadav

Vs.

Rahul Yadav

Transfer Petition (C) No.944 of 2008

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

16.03.2009

ORDER

1. Heard learned counsel for the parties.

2. The parties have jointly filed settlement agreement dated 5.12.2008, perusal of which shows that they have agreed to suffer mutual consent divorce decree. Paragraph 5 of the settlement agreement reads thus:

“The following settlement has been arrived at between the Parties hereto:

a) It has been agreed between the parties that they will dissolve their marriage through mutual consent. The parties have agreed that the petition being matrimonial suit No. 1303 of 2008 filed by Sh.Rahul Yadav for divorce at District Court, Alipore, Kolkata be transferred to Karnal so as to convert the same into a petition for divorce by mutual consent.

b) It has been agreed between the parties that Sh.Rahul Yadav shall pay a sum of Rs.6,00,000/- (Rupees Six Lac Only) in the court in full and final satisfaction of all claims, maintenance, Istridhan, alimony etc. to Smt. Kavita Yadav on or before 28.02.09 and accordingly the petition U/s. 125 Cr.P.C. filed by Ms. Kavita Yadav against Sh. Rahul Yadav before the CJM, Karnal shall also be withdrawn.

c) It is further agreed between the parties that on Rahul Yadav's paying the aforesaid amount to Smt. Kavita Yadav a joint petition for quashing the FIR No. 335 dated 31.07.08 shall be filed U/s.482 Cr.P.C. before Hon'ble High Court at Chandigarh and Smt. Kavita Yadav shall be giving her full cooperation in quashing the said FIR.”

2. In terms of the first part of para 5.b) of the settlement agreement, learned counsel appearing on behalf of the respondent-husband has handed over in the Court a demand draft drawn in favour of the wife for a sum of rupees six lakhs by way of permanent alimony, to learned counsel appearing on behalf of the petitioner-wife.

3. In view of the above, Matrimonial Suit No. 1303 of 2008, titled as Rahul Yadav vs. Kavita yadav, pending in the Court of District Judge, Alipore, Kolkata, within the State of West Bengal, is transferred to this Court and the same is disposed of on the terms enumerated in the settlement agreement and mutual consent divorce decree is granted.

4. The prosecution of the accused persons including the respondent-husband in the case arising out of F.I.R. No. 335 dated 31st July, 2008, which is pending in the Court of Chief Judicial Magistrate, Karnal, within the State of Haryana, is hereby quashed.

5. Case No. 109/2/2008 filed under Section 125 of the Code of Criminal Procedure, pending in the Court of Additional Civil Judge (Senior Division), Karnal, within the State of Haryana, shall stand withdrawn.

6. Transfer Petition is, accordingly, disposed of.