

SUPREME COURT OF INDIA

Priyanka Chawla

Vs.

Amit Chawla

C.A.No.101-102 of 2016

(Kurain Joseph and R.F.Nariman,JJ.)

08.01.2016

JUDGMENT

Kurian Joseph,J.

(Arising out of SLP(C) Nos. 34943-34944 of 2015)

1. Leave granted.

2. The appellant and respondent were duly married on 26th April, 2007. Unfortunately, after a couple of years, differences started between them which culminated in a decree of divorce granted by the Family Court, Ghaziabad on 20th September, 2014 in case No.765/2011, on the ground of cruelty.

3. The matter was pursued before the High Court of Allahabad leading to the impugned judgment dated 09.09.2015. The High Court confirmed the decree of divorce. However, regarding the permanent alimony, despite the compromise said to have been entered between the parties for a total amount of Rs.36.50 lacs, the High Court reduced the amount to Rs.29.50 lacs.

3. It is not in dispute that an amount of Rs.21 lacs had already been paid by the respondent before the High Court.

4. Learned Counsel appearing for the respondent-husband submits that pursuant to the order passed by the High Court, a further amount of Rs.5 lacs has also been deposited with the Family Court, Ghaziabad.

5. When the matter came up before this Court on 04.01.2016, having regard to the submissions made by the counsel for both sides that the parties would like to have a peaceful settlement of the entire disputes, they were directed to appear before this Court in-person. Accordingly, the appellant- Ms. Priyanka Chawla accompanied by her father-Mr. Girish Arya and respondent - Mr. Amit Chawla are present before the Court.

6. It is agreed that in addition to the amount of Rs.21 lacs paid by the respondent/husband, a further amount of Rs.5 lacs will be paid within a period of six months.

7. It is also agreed between the parties that the decree of divorce granted by the Family Court, Ghaziabad on 20.09.2014 be set aside and the parties be granted divorce by mutual consent on a joint petition that is filed by the parties before this Court.

8. It is also agreed that all other civil and criminal litigations between the parties, as of now, pending in various courts, be also put an end to.

9. Accordingly, these appeals are allowed in the following terms:-

1. FIR No.2396 of 2009 P.S.Indirapuram dated 04.10.2009 under Section 498A IPC, FIR No.701/2010 lodged by Ms. Vinod Kumari Chawla under Sections 147, 323, 452, 509, 506, 427, 379 IPC P.S. Indirapuram, Ghaziabad dated 01.04.2010 and Complaint Case No.4953 of 2010 lodged by Girish Chandra Arya under Section 156(3) Cr.P.C. dated 18.06.2010 under Section 879 IPC shall stand quashed.

2. Domestic Violence Case No.96 of 2010 under section 12 of Protection of Women From Domestic Violence Act,2005 pending before the 2nd ACJM, Ghaziabad and Maintenance Case No.1 of 2012 pending before 1st Additional Civil Judge, S.D., Ghaziabad shall stand quashed.

3. The proceedings initiated by the appellant under Section 125 Cr.P.C. in Maintenance Case No.625/2011 pending before the ACJ, Ghaziabad shall also stand quashed.

4. Having regard to the fact that a decree for divorce had already been granted as early as on 20.09.2014, in the interests of justice and for doing complete justice, the cooling period is waived and the parties are granted a decree of divorce by mutual consent.

5. The appellant is permitted to withdraw the demand draft of Rs.5 lacs deposited by the respondent before the Family Court, Ghaziabad.

6. The respondent will pay the remaining amount of Rs.5 lacs by way of demand draft, drawn in the name of Ms. Priyanka-appellant on or before 30.06.2016.”

10. We appreciate the sincere efforts made by the learned counsel for the parties for an amicable settlement between the parties and also the cooperation rendered by the parties.

11. No costs.