

SUPREME COURT OF INDIA

Priti Patel

Vs.

Nalin Satyakam Kohli

C.A.No.10520 of 2017

(Kurian Joseph and R.Banumathi,JJ.,)

16.08.2017

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.862/2017

1. Leave granted.

2. The appellant approached this Court with certain grievances regarding the order dated 17.08.2016 passed by the High Court in Contempt Case (C) No.964/2016. The allegation is that Respondent No.1 has violated the terms of settlement whereby the appellant and Respondent No.1 had been granted decree of divorce by mutual consent. The appellant/wife has a lawyer daughter and the Respondent No.1 is himself a lawyer of this Court.

3. The appellant and the Respondent No.1 are present before this Court. In clear, unmistakable and categorical terms both of them have submitted that they only want peace. Both of them have a case that they are emotionally stressed on account of continuing litigations between them and allegations raised against each other.

4. The whole purpose of granting a decree of divorce by mutual consent is only to enable the parties to part as friends and not to continue as foes thereafter.

5. We had a doubt in our mind as to whether this was a decree granted on mutual consent and, therefore, we had also sought for the records from the Family Court concerned.

6. Now that the parties only want the terms of the settlement to be respected and followed, we are of the view that it is in the interest of both the parties to give a quietus to all their disputes. Therefore, in terms of the settlement, the following cases/proceedings between the parties shall stand quashed:-

“i. CC Case No.Cr.C/93783/16 titled State v. Priti Patel arising from FIR No.121/12.

ii) All proceedings arising from Final Reports/Charge-sheets dated 20.07.2013 and 23.2.2016 filed in FIR 121/2012 & FIR I-33/20011.

7. We are informed that learned Metropolitan Magistrate, Saket has initiated a suo motu case, which has been registered as Cr.C/93783/16 arising from FIR No.121/2012. Now that the parties are clear in their mind that they do not want to pursue any litigation, it is only in the interest of justice and for doing complete justice between the parties that the said criminal case registered before the Metropolitan Magistrate, Saket is also given a quietus. Accordingly, the Cr.C/93783/16 pending before the Metropolitan Magistrate, Saket stands quashed. Consequently, FIR No.121/2012 registered with Police Station C.R. Park, New Delhi will also stand quashed.

8. Since the strained relationship between the parties has caused a lot of unrest in the families and in the society at large, we are also of the view that the parties should be restrained from instituting any case/complaint against each other and the members of their family. Accordingly, both the appellant and Respondent No.1 are restrained from instituting any case or filing any complaint before any Court or before any Authority without leave of this Court. Needless also to say that, this restraint will also apply to the members of the family of both the appellant and Respondent No.1.

9. The submission made by both the appellant and Respondent No.1, that they will not hereafter raise any allegations against each other or malign their good name is recorded.

10. The appeal is, accordingly, disposed of. The records be returned to the Court concerned.

11. Pending applications, if any, shall stand disposed of.

12. There shall be no orders as to costs.