

IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 395 OF 2012

GEETANJALI @ GEETA PETITIONER(s)

VERSUS

PANKAJ SHARMA RESPONDENT(s)  
WITH

TRANSFER PETITION (CRL.) NO. 303 OF 2012

PANKAJ SHARMA & OTHERS PETITIONER(s)

VERSUS

GEETANJALI SHARMA RESPONDENT(s)  
WITH

TRANSFER PETITION (CRL.) NO. 4 OF 2013

PANKAJ SHARMA & OTHERS PETITIONER(s)

VERSUS

STATE OF UTTARANCHAL RESPONDENT(s)

O R D E R

Transfer Petition (C) No. 395 of 2012 is wife's petition for transfer of matrimonial case being Marriage Petition No. 830 of 2011, titled as "Pankaj Sharma vs. Geetanjali @ Geeta", from the court of Civil Judge (Sr. Division), Aligarh to the Court of District Judge, Dehradun, Uttarakhand.

2. Transfer Petition (Crl.) Nos. 303 of 2012 and 4 of 2013 have been filed by the husband for transfer of Miscellaneous Case No. 114 of 2011, titled as "Geetanjali Sharma vs. Pankaj Sharma and others", from the court of Judicial Magistrate-I, Dehradun, Uttarakhand to the court of A.C.J.M. (Family Court), Aligarh, Uttar Pradesh and Criminal Case No. 5293 of 2012 - State of Uttaranchal vs. Pankaj Sharma and others, from the court of Judicial Magistrate-I, Dehradun to the court of competent jurisdiction at Aligarh, Uttar

Pradesh.

3. The parties have settled their disputes amicably. They have entered into written agreement which is placed on record in T.P. (Crl.) No. 4 of 2013. The agreement reads as follows:

"The following cases are pending adjudication between the parties:-

A. i) Criminal Case No. 5293 of 2012 under Section 498A, 323, 504, 313, IPC & 3/4 D.P. Act titled State of Uttarakhand Versus Pankaj Sharma, pending in the Court of JM-I, District Dehradun, Uttarakhand where complainant is Ms. Geetanjali Sharma.

ii) Transfer Petition (Crl) No. 4 of 2013 before this Hon'ble Court filed by Pankaj Sharma seeking transfer of Criminal Case No. 5293 of 2012.

Agreement between the parties:

It is agreed that it will be prayed before this Hon'ble Court that Criminal Case No. 5293 of 2012 pending before the Court of JM- I, District Dehradun, Uttarakhand to be transferred to the Court of A.C.M.M, Patiala House Courts, at New Delhi. It is also agreed that Geetanjali Sharma will cooperate with Pankaj Sharma and his relatives and will give the necessary statements and affidavits as and when required in the quashing petition to be filed in the High Court of Delhi at New Delhi for quashing of Criminal Case no. 5293 of 2012 u/s 498A, 323, 504,313 IPC & 3 and 4 D.P. Act filed by her, titled, State of Uttrakhand vs. Pankaj Sharma & Others

B. i) Case No. 114 of 2011 under Section 12, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 pending in the Court of JM-I, District of Dehradun, Uttarakhand filed by Ms. Geetanjali Sharma, Petitioner.

ii) Transfer Petition (Crl.) No. 303 of 2012 before this Hon'ble Court filed by Pankaj Sharma seeking transfer of Case No. 114 of 2011 under Section 12, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005.

Agreement between the parties:

It is agreed that Ms. Geetanjali Sharma will withdraw Case No. 114 of 2011 under Section 12, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 pending in the Court of JM-I, District of Dehradun, Uttarakhand within one month of this Hon'ble Court passing the order.

It is also agreed that Pankaj Sharma will withdraw Transfer Petition (Crl.) No. 303 of 2012 titled Pankaj Sharma Versus Geetanjali Sharma pending before this Hon'ble Court.

C. i) Complaint Case No. 453 of 2011 under Section 312, 506, 120B IPC pending in the Court of CJM-IV, Civil Courts, District Aligarh, U.P. filed by Pankaj Sharma, Respondent.

ii) Application No. 12303 of 2012 under Section 482 Cr.P.C. filed by Geetanjali Sharma & Ors. for quashing of summoning order in

Complaint Case No. 453 of 2011 filed by Pankaj Sharma pending in the Hon'ble High Court of Judicature at Allahabad.

Agreement between the parties:

It is agreed that Pankaj Sharma shall cooperate with Geetanjali Sharma and her relatives and will give the necessary statements and affidavits as and when required in the Application no. 12303 of 2012 u/s 482 Cr.P.C pending before the Hon'ble Allahabad High Court for quashing complaint case no. 453 of 2011 pending at District Aligarh U.P.

D. i) Marriage Petition No. 830/2011 under Section 12(D) of Hindu Marriage Act pending before the Court of CJM-III, Civil Courts, District- Aligarh, U.P. filed by Pankaj Sharma, Respondent.

ii) Transfer Petition (Civil) No. 395 of 2012 pending before this Hon'ble Court seeking transfer of Marriage Petition No. 830 of 2011 from Aligarh, U.P to Dehradun filed by Ms. Geetanjali Sharma, Petitioner.

Agreement between the parties:

It is agreed that Shri Pankaj Sharma shall withdraw Marriage Petition No. 830/2011 under Section 12(D) of Hindu Marriage Act pending before the Court of CJM-III, Civil Courts, District-Aligarh, U.P. within one month of passing of the order by this Hon'ble Court.

It is also agreed that Ms. Geetanjali Sharma will withdraw Transfer Petition (Civil) No. 395 of 2012 pending before this Hon'ble Court.

DISSOLUTION OF MARRIAGE AND PAYMENT OF MAINTENANCE, ALIMONY:

It is further agreed that Ms. Geetanjali Sharma and Pankaj Sharma will dissolve their marriage by a decree of divorce by mutual consent without making any allegations and counter allegations against each other to be filed in the concerned court at Dehradun.

Pankaj Sharma has agreed to pay Rs. 4,00,000/- (Rupees four lakhs only) to Ms. Geetanjali Sharma towards the satisfaction of her maintenance, permanent alimony and all other legal entitlements of past, present and future.

It is agreed between the parties that Mr. Pankaj Sharma shall pay Rs. 1,00,000/- (Rupees One Lakh only) by way of Demand Draft to Ms. Geetanjali Sharma before the concerned court at Dehradun at the time of recording of the statement in First Motion for divorce by mutual consent between the parties. The second installment of Rs. 1,50,000/- (One lakh and fifty thousand only) shall be paid by Mr. Pankaj Sharma to Ms. Geetanjali Sharma by way of Demand Draft at the time of recording of statements in the Second Motion before the concerned court at Dehradun. The last and final installment of the balance amount of Rs. 1,50,000/- (Rupees one lakh and fifty thousand shall be paid to Ms.

Geetanjali Sharma by Pankaj Sharma at the time of quashing of Criminal Case No. 5293 of 2012.

It is further agreed between the parties that the exchange of articles/items as indicated in the settlement agreement shall be done at the time of recording the statements in the Second Motion before the concerned court at Dehradun."

4. In view of the above agreement, Criminal Case No. 5293 of 2012 - State of Uttaranchal vs. Pankaj Sharma and others, pending before the court of Judicial Magistrate-I, District Dehradun, Uttarakhand is transferred to the court of Additional Chief Judicial Magistrate, Patiala House Courts, New Delhi.

5. Transfer Petitions are disposed of in terms of above agreement. No costs.

.....J.  
( R.M. LODHA )

NEW DELHI;  
APRIL 26, 2013.

.....J.  
(SHARAD ARVIND BOBDE)

ITEM NO.5

COURT NO.4

SECTION XVIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 395 OF 2012

GEETANJALI @ GEETA

Petitioner(s)

VERSUS

PANKAJ SHARMA

Respondent(s)

(With appln(s) for stay and office report )

WITH T.P.(CRL) NO. 303 of 2012

(With appln. for stay and office report)

T.P.(CRL) NO. 4 of 2013

(With appln. for stay and office report)

Date: 26/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE SHARAD ARVIND BOBDE

For Petitioner(s)  
TP 395

Ms. Aparna Bhat, Adv.  
Mr. P. Ramesh Kumar, Adv.

TP 303, 4

Mr. Gyan Prakash, Adv.  
Mr. Balraj Dewan, Adv.

For Respondent(s)

Mr. Gyan Prakash, Adv. for  
Mr. Harsh Vardhan Surana, Adv.

Mr. Rajiv Nanda, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Transfer Petitions are disposed of in terms of signed  
order.

|(Pardeep Kumar)  
|Court Master

| |(Renu Diwan)  
| |Court Master

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[SIGNED ORDER IS PLACED ON THE FILE]