

ITEM NO.65

COURT NO.5

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CRLMP Nos.5072,5076-5078,17663,17664 & 19999 in Petition(s) for Special Leave to Appeal (Crl.) No(s).3158/2013

(Arising out of impugned final judgment and order dated 27/02/2013 in CRLR No.4504/2010 passed by the High Court of Judicature at Allahabad)

SHIVJI CHAUBE & ANR.

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(For filing memo of appearance and permission to appear and argue in person and for specific performance of the settlement agreement and exemption from filing O.T. and directions and permission to file additional documents and office report)

WITH CONMT.PET.(C) No.236/2014 In SLP(Crl) No.3158/2013

(With Office Report)

Date : 05/01/2015 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Appellant-in-person

Mr. Abhinav Mukerji, Adv.

For Respondent(s) Mr.Aftab Ali Khan, Adv.

Mr. Rutwik Panda, Adv.

Ms.Anshu Malik, Adv.

Upon hearing the counsel the Court made the following

O R D E R

In the settlement effected before the Supreme Court Mediation Centre, the parties *inter alia* agreed as under:

"8. That following cases are pending between the parties:-

(i) Present SLP(Crl)No.3158/2013 filed by the Petitioners.

(ii) FIR No.149/2009 dated 12.03.2009 lodged by Respondent No.2 in the P.S.Kasna.

(iii) F.I.R.No.285/2009 lodged before P.S.Ballia (U.P.) U/s 498A/323/504/506 IPC and U/s 3/4 of D.P.Act.

(iv) FIR No.303/2010 lodged by Mr.Hare Ram Mishra in the P.S.Kotwali Ballia (U.P.).

(v) FIR No.516/2009 lodged in P.S.Kasna, Gautam budh Nagar lodged by Mr.Sunil Kumar Chaturvedi.

(vi) Case No.435/09 titled "Priyanka Chaturvedi Vs. Sunil Kumar Chaturvedi & Ors." pending before the Court of Chief Judicial Magistrate, Ballia (U.P.).

(vii) Case No.361/2009 titled "Sunil Kumar Chaturvedi Vs. Priyanka Chaturvedi" pending before the Civil Judge (SD) Noida (U.P.).

(viii) That Mr.Sunil Kumar Chaturvedi (Husband of Respondent No.2) herein undertake to withdraw Case No.516/2009 pending before Id.A.C.J.M.II, Gautam Budh Nagar (U.P.).

9. In view of the terms of this settlement-agreement, all the parties herein undertake to withdraw all the pending cases as mentioned in para no.6 herein above, besides all other pending petitions filed by them against each other before any court of law or any other forum within two weeks from the date of payment of amount as agreed in this settlement. It is specifically agreed between the parties to this agreement that if any, other case besides mentioned in this settlement will also be withdrawn/quashed etc. if bring into the notice by any party to this settlement. It has further agreed by all the parties that they shall give full cooperation to each other in the execution of terms of this settlement. More specifically in withdrawal/quashing and/or settlement etc. of all disputes amongst the parties herein which are pending before any courts of the country."

Learned counsel for the rival parties are allowed to give effect to the aforesaid mutual settlement by moving an appropriate application before the Concerned Courts. Since the controversy

arises out of an matrimonial dispute, we consider it just and appropriate to direct that if any such application for withdrawal of complaint or pending proceedings is filed by the concerned complainant, the same will be allowed.

List for further consideration after four weeks.

(SATISH KUMAR YADAV)
COURT MASTER

(RENUKA SADANA)
COURT MASTER