

IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL/APPELLATE JURISDICTION

CRLMP.D NO.98925/2015

IN

CURATIVE PETITION (CRL) NOS.39-40/2013

IN

CRIMINAL APPEAL NOS.435-436/2014

MONICA

PETITIONER(S)

VERSUS

BHASKAR LAL SHARMA AND ORS.

RESPONDENT(S)

WITH

REVIEW PETITION (CRIMINAL) NOS. 151-152/2016

IN

CRIMINAL APPEAL NOS.435-436/2014

BHASKAR LAL SHARMA AND ANR.

PETITIONER(S)

VERSUS

MONICA AND ANR.

RESPONDENT(S)

O R D E R

Review Petition (Cr1.) Nos. 151-152/2016

1. Delay of 703 days in filing the review petitions is condoned.
2. By judgment and order dated 18<sup>th</sup> February, 2014, we had disposed of Criminal Appeal Nos. 435-436 of 2014 by directing that the trial of the criminal cases instituted at the instance of the respondent (wife) shall continue and further that

the issue with regard to the maintenance etc. shall also be dealt with by the jurisdictional family Court. The respondent (wife) unsuccessfully sought a review of the said order. Thereafter, the respondent (wife) has filed application(s) in the curative petitions filed by her seeking certain orders/directions. Simultaneously the review petitioner (husband) has filed these review petitions seeking review of the order dated 18<sup>th</sup> February, 2014 primarily on the ground that in the mean time parties have settled the matter on the following terms :-

1. Ms. Monica shall receive a total sum of Rs.2,50,00,000 (Rupees two crores fifty lacs only) towards full and final settlement of all her claims for maintenance/alimony/ stridhan and in full and final settlement of all her disputes pending in several courts.
2. The said amount Rs.2,50,00,000 (Rupees two crores fifty lacs only) shall be deposited with the Registrar Supreme Court of India within 60 days from the day of this order.
3. Within a week of the said amount Rs. 2,50,00,000 (Rupees two crores fifty lacs only) being deposited as aforesaid, Ms. Monica shall withdraw the execution petition filed for recovery of her maintenance arrears and Mr. Vikas Sharma

shall withdraw his petition U/s 13(1)(ia) Hindu Marriage Act, titled 'Vikas Sharma Vs. Monica', both pending before the Family Court, Saket, New Delhi.

4. Within a week the withdrawal of the said Petitions as aforesaid, Ms Monica and Mr. Vikas Sharma shall file a joint petition for dissolution of their marriage by mutual consent before Family Court, Saket, New Delhi. In view of the long standing dispute the period of six months which is required between the First and Second Motion shall stand waived.
5. Within a week of the divorce being granted by the Family Court, the parties will approach this Supreme Court for quashing both the criminal complaints filed by Ms. Monica and all the consequential proceedings emanating therefrom, which are as under:
  - a. CC No. 8/3/15 (Old No. 30/1/06 & 477/3/12), U/s 406, 498A IPC titled 'Monica Vs. Vikas Sharma & Ors.' pending in the court of Ms. Vandana Jain, MM, (Mahila Court), Saket Courts, New Delhi.
  - b. CC No. 9/3/15 (Old No. 674/1/06 & 11/2/12), U/s 415, 417 IPC titled 'Monica Vs. Vikas Sharma & Ors.' pending in the court of Ms. Vandana Jain, MM, (Mahila Court), Saket Courts, New Delhi.
6. This Hon'ble Court shall pass necessary orders quashing the aforesaid cases also pass the necessary directions for release of the amount deposited in favour of Ms. Monica.
7. At no time will Ms. Monica insist for the

physical presence of Mr. Vikas Sharma before any Court or Authority in India. Mr. Vikas Sharma shall be represented through his duly appointed Attorney.

8. It is stated on behalf of Mr. Vikas Sharma that he is not in a position to pay the settlement amount and the same is being paid by his maternal uncle Mr. Naresh Tolani part of whose property has been attached in the present litigation. In order to avoid any lengthy litigation for release of part of his property at Lajpat Nagar Mr. Naresh Tolani has agreed to pay this amount. It is made clear that in case the settlement fails for any reason attributable to Ms. Monica then the amount deposited by Mr. Naresh Tolani shall be refunded to him. In case the settlement fails for any reason attributed to Mr. Vikas Sharma then the amount deposited shall be forfeited.

3. At the hearing today, Shri Anand Grover, learned senior counsel for the review petitioner (husband) and the respondent (wife) appearing-in-person have categorically stated before the Court that both of them will give effect to the terms of the settlement, extracted above, and make the necessary deposit and file the required applications as agreed within the time frame fixed by the terms of settlement.

4. Having considered the matter, we are of the view that it would be inappropriate for this Court

to entertain these applications, particularly, as the proceedings have been finally terminated by Order dated 18<sup>th</sup> February, 2004.

5. In fact, if subsequent developments i.e. settlement between the parties, referred to above, have occurred, as they appear to be, the concerned parties should move the High Court for quashing of the proceedings and the Family Court for grant of mutual divorce as agreed upon. We, therefore, leave the parties with the aforesaid option and require that as a first step thereto the review petitioner (husband) shall deposit the aforesaid amount of Rs.2,50,00,000/- (Rupees two crores fifty lacs only) before the Family Court, Saket by the end of the current month. The said amount be kept in a fixed deposit. Thereafter, the parties may file appropriate applications for quashing of the criminal cases and for grant of mutual divorce before the High Court of Delhi and the Family Court, Saket, respectively. The Family Court, Saket, will waive the mandatory period of six months stipulated by the provisions of the Hindu

Marriage Act, 1955. This direction has been issued by us under Article 142 of the Constitution.

6. Having regard to the protracted litigation between the parties, we request the High Court and the Family Court, Saket to pass final orders in the matter as expeditiously as may be possible.

7. The review petitions and the Criminal Miscellaneous Petition D. No.98925 of 2015 are disposed of in the above terms.

8. We would like to put on record that though the review sought for by means of the present application is in respect of an order passed by a Bench of three Judges, we did not feel any constraint in passing the above directions, in view of the fact that we have not, in any way, touched upon the contents and directions contained in the order dated 18<sup>th</sup> February, 2014.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(PRAFULLA C. PANT)

NEW DELHI  
MARCH 03, 2016

ITEM NO.1

COURT NO.7

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

CRL.M.P. D.No.98925/2015 IN CURATIVE PETITION (CRL) NOS.39-40/2013  
IN  
CRIMINAL APPEAL NOS.435-436/2014

MONICA

Petitioner(s)

VERSUS

BHASKAR LAL SHARMA AND ORS.

Respondent(s)

(With appln. for settlement of litigation and office report)

WITH

R.P.(Crl.) No. 151-152/2016 In Crl.A. No. 435-436/2014(With appln.(s) for application for hearing in open court and  
appln.(s) for c/delay in filing review petition)

Date : 03/03/2016 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Ms. Monica, In-person

Mr. Anand Grover, Sr. Adv.

Mr. Saurabh Chauhan, Adv.

Mr. Varun Jain, Adv.

Mr. Rohit K. Singh, Adv.

For Respondent(s) Ms. Jyotika Kalra, Adv.

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

The review petitions and the Criminal  
Miscellaneous Petition D.No.98925 of 2015 are disposed  
of in terms of the signed order.

(Neetu Khajuria)

Sr.P.A.

(Signed order is placed on the file.)

(Asha Soni)

Court Master