

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3660/2013

(Arising out of impugned final judgment and order dated 06/03/2013 in CRLMP No. 1857/2011 passed by the High Court Of Jharkhand At Ranchi)

AMITABH CHOUDHARY Petitioner(s)

VERSUS

STATE OF JHARKHAND & ANR. Respondent(s)

(with appln. (s) for stay and office report)

Date : 11/08/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA  
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Smarhar Singh, Adv.  
Mr. Chandra Prakash ,Adv.

For Respondent(s)

Mr. Jayesh Gaurav, Adv.  
Mr. Gopal Prasad ,Adv.  
  
Mr. Shubhashis R. Soren, Adv.  
Mr. Rajesh Singh ,Adv.

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

Leave granted.

The appeal stands disposed of in terms of signed order.

(Neeta)  
Sr. P.A.

(Usha Sharma)  
COURT MASTER

Signature Not Verified

Digitally signed by

(Signed order is placed on the file)

Neeta Sapra  
Date: 2014.08.13  
17:30:31 IST  
Reason:

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1723 OF 2014  
(Arising out of SLP(Crl.) No. 3660 of 2013)

AMITABH CHOUDHARY Petitioner(s)

VERSUS

STATE OF JHARKHAND & ANR. Respondent(s)

O R D E R

Leave granted.

This appeal has been filed by the appellant-husband against the judgment dated 6th March, 2013 in CrI.M.P. No. 1857 of 2011 passed by the High Court of Jharkhand at Ranchi. By the impugned order, the High Court refused to quash the order dated 21st November, 2011 in complaint case no. 1103 of 2011 whereby cognizance of the offence punishable under Section 498A/406 has been taken against the petitioner.

It is informed that settlement agreement has been reached between the parties, relevant portion of which reads as follows:

"Both the parties hereto confirm and declare that they have, voluntarily and of their own free will decided not to live together as husband and wife and have arrived at this Settlement in the presence of the Mediator, their respective counsels and the family members on the following terms and conditions:-

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1. The following cases are pending between the parties:-

- (i) Present SLP(CrI.) No. 3660 of 2013 filed by the petitioner-husband pending before the Hon'ble Court.
- (ii) Divorce Petition being M.T.S. No. 307 of 2011 filed by the petitioner-husband pending before the Principal Judge, Family Court, Ranchi (Jharkhand).
- (iii) Application for custody of child pending before the Principal Judge, Family Court Ranchi (Jharkhand).
- (iv) Complaint U/s 498A being Complaint Case No. 1103 of 2011 filed by the respondent no. 2-wife pending before the Additional Chief Judicial Magistrate, Ranchi (Jharkhand).
- (v) Petition for maintenance U/s 125 Cr.P.C. filed by respondent no. 2-wife pending before the Principal Judge, Family Court, Ranchi (Jharkhand).

2. In view of the terms of this

settlement-agreement, both the parties herein undertake to withdraw all the above pending cases besides all other pending petitions filed by them against each other before any court of law or any other forum within four weeks from the date of passing of the order by this Hon'ble Court in the

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present Special Leave Petition and would take all necessary steps for the same, except the case mentioned hereinabove in para 1(iv) Complaint Case No. 1103 of 2011 in which both the parties have agreed to jointly pray before this Hon'ble Court to quash the same on the next date of hearing. A

prayer for filing of an application jointly for seeking divorce under section 13(B) of the Hindu Marriage Act will be made before this Hon'ble Court. In the case the prayer is not acceded to the parties have agreed to move an appropriate application to convert the aforesaid Divorce Petition as mentioned in para 1(ii) into mutual consent divorce petition before the court where the same is subjudice.

3. Both the parties undertake that henceforth they would not file any civil/criminal complaint or any other case against each other or their family members. Both the parties also undertake to withdraw any other pending cases, which have been filed against each other and/or their respective families.

4. The petitioner, Mr. Amitabh Choudhary has further agreed to pay a sum of Rs.6,00,000/- (Rupees Six Lakh Only) to Ms. Anju Kumari, respondent no. 2 herein as full and final settlement towards all and any past, present and future claim including their daughter's maintenance as well as her maintenance, stridhan, alimony expenses etc. Mrs. Anju Kumari, the respondent no. 2 as well as their daughter herein would have no claim whatsoever in future with regard to the movable and/or immovable assests

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of the petitioner. Mr. Amitabh Choudhary and/or his family members hence forth. Similarly Mr. Amitabh Choudhary shall have no claim whatsoever in future with regard to movable and/or immovable property of the respondent no. 2 Mrs. Anju Kumari and/or her family members related to this matrimonial alliance.

5. That the petitioner Mr. Amitabh Choudhary has agreed to pay the aforesaid amount of Rs.6,00,000/- (Rupees Six Lakh Only) as full and final settlement between the parties, in two equal installments. The first installement of Rs.3,00,000/- (Rupees Three Lakh Only) would be made by the petitioner-husband to the respondent no. 2-wife by way of a demand draft in the name of respondent no.2-wife after quashing of complaint u/s 498A withdrawal of the application u/s 125 Cr.P.C. moved by respondent no. 2 before the Principal Judge, Family Court, Ranchi and the

withdrawal of the application U/s 26 of the Hindu Marriage Act filed by the petitioner against respondent no. 2 before the Family Court, Ranchi (Jharkhand). The second installment of Rs.3,00,000/- (Three Lakh Only) shall be made by the petitioner-husband to the respondent no. 2-wife by way of a demand draft at the time of second motion.

6. That it is further agreed between the parties that the custody of their minor daughter 'Ananya' shall remain with the mother/respondent no. 2-wife herein and the petitioner-husband has agreed not to claim any visitation rights in future.

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7. By signing this Agreement the parties hereto solemnly state and affirm that they have no further claims or demands against each other and all the disputes and differences have been amicably settled by the parties hereto through the process of Mediation.

8. The parties undertake before this Hon'ble Court to abide by the terms and conditions set out in the above mentioned agreement, which have been arrived without any coercion, duress or collusion and undertake not to raise any dispute whatsoever henceforth."

Learned counsel for the respondents submit that in terms of the agreement, the petitioner was to pay a sum of

Rs.3,00,000/- (Rupees Three Lakhs Only) to respondent no. 2-wife by a demand draft today which has not been paid.

Learned counsel for

the petitioner submit that a total amount of Rs.6,00,000/- will be paid on 16th August, 2014 when final amount is to be paid.

In view

of such undertaking given by petitioner before this Court and terms of settlement reached between the parties, we dispose of the appeal with following order and directions:

1. Judgment and order dated 06/03/2013 in CRLMP

No. 1857/2011 passed by the High Court of Jharkhand at Ranchi is set aside.

2. Record for Complaint Case No. 1103 of 2011 filed by the respondent no. 2-wife pending before the Additional Chief Judicial

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Magistrate, Ranchi (Jharkhand) is called for

and is quashed.

3. Parties are directed to act in terms of settlement reached between the parties.

The appeal stands disposed of with aforesaid observations and directions.

.....J.  
(SUDHANSU JYOTI MUKHOPADHAYA)

.....J.  
(S.A. BOBDE)

NEW DELHI;  
AUGUST 11, 2014