

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (Crl.) No. 184 of 2007

Bimla Agarwala and Ors. ...Petitioner (s)

VERSUS

State of U.P. and Ors. ...Respondent (s)

O R D E R

1. Heard learned counsel for the parties.

2. This is a Transfer Petition under Section 406 of the Code of Criminal Procedure, 1973 read with Order XXXVI-B of the Supreme Court Rules, 1966 for transfer of Criminal Case No. 663/2005 FR No. 1301/2006 titled as Mahendra Pal Gupta vs. Ram Gopal and others arising out of FIR No. 637/2005 dated 10.11.2005 registered in PS Kotwali Shahar u/s 420 IPC and pending in the Court of the Chief Judicial Magistrate, Bulandshahar, Uttar Pradesh to a Court of competent jurisdiction at Delhi.

3. Although, as noted above, this case relates to transfer of the aforesaid case from Bulandshahar to a competent Court at Delhi, but due to intervention of well wishers of the parties, the disputes between the parties have been settled out of Court, for which they have already filed a joint petition for compromise under the terms of settlement dated 30th of November, 2008.

2

Considering this aspect of the matter and taking into consideration the terms and conditions of the settlement dated 30th of November, 2008, we dispose of this Transfer Petition on compromise, which is in the following manner:-

a) We direct that the cases pending between the parties namely, HMA No. 209 of 2008 titled as Aruna Gupta Vs. Rajesh K. Gupta pending before the Learned Additional

District Judge, New Delhi; Guardianship Petition No. 68 of 2008 titled as Rajesh K. Gupta Vs. Aruna Gupta pending before the Learned Guardianship Judge, New Delhi; FIR No. 565 of 2005 registered at P.S. Defence Colony, New Delhi and pending trial before Learned Metropolitan Magistrate, New Delhi and FIR No. 663 of 2005 registered at P.S. Kotwali, Bulandshahar, U.P. and pending trial before the learned Chief Judicial Magistrate, Bulandshahar, U.P. shall be disposed of in view of the settlement between the parties in accordance with the directions given below :-

i) All pending cases arising out of matrimonial/maintenance and guardianship proceedings between the parties shall stand disposed of and consigned to the records in the respective courts on being moved by either of the parties by providing a copy of this order, which has settled all those disputes in terms of the settlement.

ii) The Transfer Petition (Crl.) No. 184 of 2007 is allowed as per the "Terms of Settlement" and FIR No. 663

3

of 2005 registered at P.S. Kotwali, Bulandshahar, U.P. and pending trial before the learned Chief Judicial Magistrate, Bulandshahar, U.P. is transferred to a Court of competent jurisdiction in Delhi.

All criminal cases pending between the parties shall be quashed and consigned to the records by the respective courts on being moved by either of the parties by providing a copy of this Order.

b) The Transfer Petition is accordingly disposed of in the above-mentioned terms. We direct the parties to bear their own costs.

.....J.
[TARUN CHATTERJEE]

NEW DELHI
DECEMBER 11, 2008

.....J.
[V.S. SIRPURKAR]

ITEM NO.1C
(For orders)

COURT NO.6

SECTION XVIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

TRANSFER PETITION (CRL.) NO(s). 184 OF 2007

BIMLA AGARWALA AND ORS.

Petitioner(s)

VERSUS

STATE OF U.P. AND ORS.

Respondent(s)

(With appln(s) for stay and exemption from filing O.T. and permission to file additional documents and office report)

Date: 11/12/2008 This Petition was called on for orders today.

For Petitioner(s) Mr.Rakesh K.Khanna, Sr.Adv.
Mr.Reetesh Singh, Adv.
Ms.Jahanvi Worah, Adv.
Ms.Shailja Sinha, Adv.
Mr. Prashant Chaudhary,Adv.

For Respondent(s) Mr.Krishnan Venugopal, Sr.Adv.
(For RR-2) Mr.R.K.Gupta, Adv.
Ms. Meera Mathur,Adv.

Mr. Surya Kant,Adv.

For State of U.P. Mr.T.N.Singh, Adv.
Mr.Rajeev Dubey, Adv.
Mr. Kamlendra Mishra,Adv.

Hon'ble Mr.Justice Tarun Chatterjee pronounced the Order of the Bench comprising His Lordship and Hon'ble Mr.Justice V.S.Sirpurkar.

The Transfer Petition is disposed of in terms of the signed order.

We direct the parties to bear their own costs.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed non-reportable order is placed on the file)