

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

TRANSFER PETITION (CRL.) NO(s). 235 OF 2013

SONIA KAMAT & ORS. Petitioner(s)

VERSUS

SANJEEV KAMAT Respondent(s)

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

Date: 24/02/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA  
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. V.K. Mishra,Adv.  
Mr. Chander Shekhar Ashri,Adv.

For Respondent(s) Mr. Bimlesh Kumar Singh,Adv.

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

The Transfer Petition is disposed of in terms  
of the Signed Order.

[RAJNI MUKHI]  
SR. P.A.

[USHA SHARMA]  
COURT MASTER

(Signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) NO.235 OF 2013

SONIA KAMAT & ORS.

PETITIONERS

VERSUS

SANJEEV KAMAT

RESPONDENT

O R D E R

This Transfer Petition has been filed by the petitioner No.1-wife and others for seeking transfer of Criminal Complaint No.1749/2009 titled "Sanjeev Kamat Vs. Pramod Kamat & Ors." from the Court of Chief Judicial Magistrate, Madhubani, Bihar to the Court of A.C.M.M (North-East) Karkardooma Courts, Delhi and for grant of maintenance in favour of the Petitioner No.1.

Taking into consideration that the matter relates

to dispute between the husband and the wife and their in-laws, this Court by order dated 16.09.2013 referred the matter to the Mediation Centre of this Court.

The Supreme Court Mediation Centre vide letter dated 9th January, 2014 intimated that the parties have reached a settlement amicably and the Settlement Agreement dated 7th January, 2014 has been brought on record which reads as follows:

"This Settlement Agreement is entered into between Petitioner No. 1 - Mrs. Sonia Kamat, W/o Mr. Sanjeev Kamat, D/o Sh. Bihari Kamat, R/o Vill. Dhakjari Navtoli, P.S. Arer, Distt. Madhubani, Bihar and Respondent Mr. Sanjeev Kamat, S/o Sh. Baleshwar Kamat, Village Dhanga Purav, P.S. Arer, Distt. Madhubani, Bihar.

The marriage between the petitioner No. 1 and respondent was solemnized as per Hindu rites and customs on 22.02.2004 and there are twins children namely 'Baby Naincy' and 'Master Keshav' were born from of this wedlock on 22.12.2006. Both the parties resided together as husband and wife till 2009 and thereafter disputes and

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differences had arisen between the parties hereto. The T.P. (Crl) No. 235/2013 was filed before this Hon'ble Court by the Petitioner No. 1 Mrs. Sonia Kamat.

This Hon'ble Court vide order dated 16.09.2013 referred the matter to Supreme Court Mediation Centre.

Comprehensive mediation sessions were held with the parties and their respective counsels on 23.10.2013, 13.11.2013, 13.12.2013 and today i.e. on 07.01.2014.

Both the parties hereto confirm and declare that they have, voluntarily and of their own free will have decided not to live together as husband and wife and have agreed to move a joint petition for seeking divorce by mutual consent on the following terms and conditions:-

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

- (i) Present T.P. (Crl) No. 235/2013 filed by the petitioner before this Hon'ble Court.
- (ii) Petition Under Section 125 Cr. P.C. bearing Case No. 96/2011 pending before the Mahila Court, Karkardooma, Delhi filed by the Petitioner-wife.
- (iii) Criminal Compliant No. 177/2013 pending before court of Mr. Sanjay Bansal, Judge, Karkardooma Court, Delhi filed by the Petitioner-wife.
- (iv) Execution Petition pending in the Court of Ms. Savitri, Metropolitan Magistrate, Karkardooma Court, Delhi filed by the petitioner-wife.
- (v) Divorce Petition No. 283/2013 pending before the principal Judge, Family Court, Madhubani (Bihar) filed by the Respondent-Husband.
- (vi) Execution petition No.4/2013 pending before the Principal Judge, Family Court, Madhubani (Bihar) filed by the Respondent-Husband.
- (vii) Case No. 101/2009 pending before the Principal Judge, Family Court Madhubani (Bihar) filed by the respondent-husband.
- (viii) Criminal Case No. 1749/2013 pending before the C.J.M. Madhubani (Bihar) filed by the respondent-husband.
- (ix) Guardianship Petition No. 2/2013 pending before the Principal Judge, Family Court Madhubani (Bihar) filed by the respondent-husband.
- (x) Revision Petition pending before the Mr. T.P. Kashyap, A.S.J., Karkardooma Courts, Delhi titled 'Sanjeev Kamat Vs. Sonia Kamat & Ors.'
- ((xi) Writ Petition No. /2013 titled 'Sanjeev Kamat Vs. Sonia Kamat & Ors' pending

before the High Court of Patna, Bihar.

2. In view of the terms of this settlement-agreement, both the parties herein undertake to withdraw all the above pending cases and in addition any other case not listed

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herein but filed against each other or any of their family members before any court of law or any other forum, on or before 01.10.2014 and would take all necessary steps for the same. The parties undertake that they shall file certified copies of the orders passed by the Court reflecting withdrawal of the cases along with the petition for second motion.

3. Both the parties undertake that henceforth they would not file any civil/criminal complaint or any case against each other or their family members with regard to the present matrimonial alliance. 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 Respondent, Mr. Sanjeev Kamat has further agreed to pay a sum of Rs. 2,20,000/- (Rupees Two Lakh Twenty Thousand only) to Ms. Sonia Kamat, Petitioner No. 1 herein as full and final settlement towards all and any past, present and future claim including her maintenance and maintenance of their two children, stridhan, alimony expenses etc. Mrs. Sonia Kamat, the Petitioner herein and her children would have no claim whatsoever in future with regard to the movable and/or immovable assets of the Respondent Mr. Sanjeev Kamat and/or his family members henceforth. Similarly Mr. Sanjeev Kamat shall have no claim whatsoever in future with regard to movable and/or immovable property of the petitioner Mrs. Sonia Kamat and/or her family members related to this matrimonial alliance.

5. That the respondent Mr. Sanjeev Kamat has agreed to pay the aforesaid amount of Rs. 2,20,000/- (Rupees Two Lakh Twenty Thousand only) in two installments. The first installment of Rs. 1,00,000/- (Rupees One Lakh only) would be made by the Respondent-Husband to the

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Petitioner-wife before the Hon'ble Court at the time of recording of statement under Section 13(b)(i) of H.M.A. in the concerned court on or before 01.03.2014 by way of a demand draft in the name of the petitioner-wife. The second installment of Rs. 1,20,000/- (Rupees One Lakh Twenty Thousand only) shall be made by the respondent-husband to the petitioner-wife by way of a demand draft at the time of recording of statement under Section 13(b)(ii) of H.M.A. on or before 01.10.2014.

6. That the parties agreed that the custody of their children namely 'Nancy and Keshav' shall remain with the mother-petitioners Mrs. Sonia Kamat and the respondent-husband shall have the visitation rights to meet the children twice in a year at the office of Mr. Vivek Mishra, Advocate for the petitioner, by giving prior notice to the petitioner about his visit. Each visit will be for a period of two hours.

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. The parties agree that they will not raise any dispute against each other or any member of their respective families either by filing any case in any court or by filing a

complaint in any police station.  
between the parties that they will ensure that they  
will not have any verbal or physical altercation at any  
point of time.

It is also agreed

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."

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In view of settlement reached between the parties, the  
Transfer Petition is disposed of in terms of the settlement  
as recorded above. The settlement reached between the  
parties should be treated to be a direction of this Court.  
Parties should adhere to the Terms and Conditions of  
settlement.

The Transfer Petition is disposed of with the aforesaid  
observation.

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

.....J.  
(KURIAN JOSEPH)

NEW DELHI;  
FEBRUARY 24, 2014