

ITEM NO.103

COURT NO.2

SECTION IIA

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 SCriminal Appeal No(s). 1256/2012

SALONI RUPAM BHARTIYA

Appellant(s)

VERSUS

RUPAM PRAHLAD BHARTIYA & ANR

Respondent(s)

(With appln. (s) for stay and bail and office report)

Date : 13/11/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MRS. JUSTICE R. BANUMATHIFor Appellant(s) Mr. Niraj Sharma,Adv.
Mr. Sumit Kumar Sharma,Adv.For Respondent(s) Mr. K.T.S. Tulsi,Sr.Adv.
Mr. Niraj Gupta,Adv.Mr. Prashant S. Kenjale,Adv.
Mr. Aniruddha P. Mayee,Adv.UPON hearing the counsel the Court made the following
O R D E R

Heard in-part.

This appeal by special leave assails an order dated 6th May, 2011 passed by the High Court of Judicature at Bombay whereby Criminal Revision Application No.81 of 2011 filed by the respondent-husband against his conviction and sentence of one year for an offence punishable under Section 498-A of Indian Penal Code has been partly allowed and the sentence awarded to him reduced to imprisonment till the rising of the court besides a fine of Rs.1,00,000/- (Rupees one lakh). In default of payment of fine

the respondent has been directed to undergo imprisonment for a period of six months. The High Court has further directed that out of the amount of fine, a sum of Rs.90,000/- shall be paid to the wife-appellant herein by way of compensation.

After arguing the matter at some length, learned counsel for the parties agreed to an amicable settlement of all outstanding disputes between the parties. They submitted that the appellant-wife has prayed for a decree for dissolution of marriage in a petition which is pending before the Family Court at Indore which the husband-respondent herein appears to be opposing. It was further submitted that the couple has been blessed with a daughter about 12 years old who is currently studying in a school at Indore. Towards the maintenance of the appellant-wife and the daughter, the court seized of the divorce petition has awarded maintenance at the rate of Rs.15,000/- per month which the respondent-husband has been paying no matter a certain amount towards arrears is outstanding.

Learned counsel for the parties, on instructions of their respective clients, submitted that the respondent-husband was ready and willing to make a lumpsum payment of Rs.50,00,000/- (Rupees fifty lakhs) excluding the amount in arrears towards maintenance already awarded. The amount would represent the appellant's maintenance for herself as also for her daughter, education and marriage of the daughter and right to shelter etc. It was urged that the parties were agreeable to filing a joint petition under Section 13-B of the Hindu Marriage Act for dissolution of the marriage by mutual consent before the competent

court at Indore in which event the couple can part for good, on a satisfactory note, without anything to do with each other in future. It was urged that the present proceedings could be adjourned for a week to enable the parties to file a joint memo to the above effect stipulating the terms and conditions of the settlement, in view thereof, this Court could dispose of this appeal.

We see no reason to decline that prayer, having regard to the fact that the parties are very near a full and final settlement of their disputes including the dispute regarding the dissolution of marriage, maintenance, shelter etc. It is also agreed by learned counsel for the parties with the mutual settlement coming up, the parties would withdraw all allegations made by them against each other in all the legal proceedings and they would make a joint request for setting aside of the conviction of the respondent under Section 498-A of the I.P.C. in exercise of this Court's power under Article 142 of the Constitution of India.

Post on Thursday, the 20th November, 2014. Needful be done in the meantime.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER