

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). 283 OF 2009

SIJI & ANR.

Petitioner(s)

VERSUS

PRADEEP GUPTA Respondent(s)
(With appln(s) for exemption from filing O.T., stay, compromise and office report)

Date: 10/05/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)
Ms. Asha Gopalan Nair, Adv.

For Respondent(s)
Mr. P.S. Mishra, Sr. Adv.
Mr. Arup Banerjee, Adv.
Mr. R.K. Dey, Adv.

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

When the Transfer Petition (Crl.) No. 283 of 2009 filed by Siji & Anr. Was taken up for consideration on 12th April, 2010, the parties were given liberty to effect an amicable settlement between themselves.

Pursuant thereto, a settlement has been arrived at between the parties, which has been filed along with an affidavit affirmed by the parties.

Both paragraph 2(iii) of the application and (iii) of the settlement indicates that the manner in 2

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which the pending civil and criminal cases indicated therein could be disposed of. As far as the proceedings under Section 125 (b) Cr,P.C. filed by the petitioners is concerned, the same is disposed of in

terms of the settlement as reflected in sub-paragraph

(i) of paragraph 2.

As far as criminal case No. 834/07, arising out of F.I.R. No. 720/07 dated 20th August, 2007, under Section 376D I.P.C. registered at Police Station Sahibabad, Ghaziabad, U.P., is concerned, the same is not compoundable. However, having regard to the facts of the case and keeping in mind the welfare of the minor child, we are satisfied that this is a fit case where we may invoke our power under Article 142 of the Constitution.

However, in the terms of the settlement no time limit has been indicated within which period the payment of Rs.32,00,000/- (Rupees thirty two lakhs) is to be made by the respondent to the petitioner except that the same is to be paid by way of Bank Draft or any other mode, as agreed between the parties. In that view of the matter and having regard to the submissions made on behalf of the respondents, we adjourn this matter till 31st August, 2010, within which period the entire amount is to be paid by the respondent to the petitioner. The first instalment of Rs. 14,00,000/- is to be paid by 30th June, 2010. The second instalment of Rs. 10,00,000/- is to be paid by 31st July, 2010, and

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the last instalment of Rs.8,00,000/- is to be paid by 27th August, 2010.

Put up this matter for further orders on 31st August, 2010, at the top, when the affidavit of compliance of the above direction is to be filed by the respondent.

(Ganga Thakur)
PS to Registrar

(Juginder Kaur)
Court Master