

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL) NO.1131 OF 2006

ROSHNI @ PREETI BHOJWANI

Petitioner(s)

VERSUS

HARISH BHOJWANI

Respondent(s)

(With appln(s) for stay, grant of divorce by mutual consent and office report)

Date: 01/10/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE P. SATHASIVAM

For Petitioner(s) Ms. Geeta Luthra, Adv.
Mr. D.N. Goburdhan, Adv.
Mr. Jatin Sahgal, Adv.

For Respondent(s) Mr. Abhishek Choudhary, Adv.

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.

The transfer petition is disposed of on the terms enumerated in the compromise petition which shall form part of this order.

[T.I. Rajput] [Om Prakash]
A.R.-cum-P.S. Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION [CIVIL] NO.1131 OF 2006

Roshni @ Preeti Bhojwani

...Petitioner

Versus

Harish Bhojwani

...Respondent

O R D E R

Heard learned counsel for the parties.

This petition has been filed for transfer of H.M.A. No.332-A of 2006, titled as Harish Bhojwani vs. Roshni @ Preeti Bhojwani, pending before the Principal Judge, Family Court, Gwalior, within the State of Madhya Pradesh, to the District Judge, Delhi, or Aligarh within the State of Uttar Pradesh. After filing of the transfer petition, the parties have settled all their disputes and grievances and a joint petition of compromise duly signed and affidavited by both the parties has been filed in which they have agreed to suffer a mutual decree for divorce in the aforesaid case. Accordingly, H.M.A. No.332-A of 2006, titled as Harish Bhojwani vs. Roshni @ Preeti Bhojwani, pending before the Principal Judge, Family Court, Gwalior, within the State of Madhya Pradesh, is transferred to this Court, a mutual divorce decree is granted and the same is disposed of on the terms enumerated in the compromise petition which shall form part of this order.

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Both the parties have further agreed that the wife is entitled to receive, in full and final settlement of all their disputes, a sum of Rupees thirty lakhs by way of permanent alimony out of which a sum of Rupees five lakhs has been already paid to her and Bank drafts in relation to the remaining amount of Rupees twenty five lakhs have been made over by learned counsel appearing on behalf of the husband to the learned counsel appearing on behalf of the wife in Court.

Further prayer has been made in the compromise petition that case arising out of F.I.R. No.376/2006, P.S. Civil Lines, Aligarh, which is pending before the Chief Judicial Magistrate, Aligarh, within the State of Uttar Pradesh, filed by the wife against the husband and his family members for their prosecution under Section 406, 498A, 504, 323, 506, 313, 120B and 420 of the Indian Penal Code, 1860 read with Sections 3 and 4 of the Dowry Prohibition Act, be quashed. As the entire dispute between the parties has been settled, we are of the view that to put a quietus to the whole matter, prosecution of all the accused persons in the aforesaid case is fit to be quashed. Accordingly, we quash prosecution of all the accused persons in the aforesaid case.

It has been further stated by the parties that Case No.2005 of 2007, titled as Roshni Bhojwani vs. Harish Bhojwani & Ors., filed by the wife for prosecution of the husband and his family members for offence under the Protection of Women from Domestic Violence Act, 2006, is pending in the Court of Metropolitan Magistrate, Patiala House, New Delhi. In our view, for the aforesaid reasons, prosecution of all the accused in this case also is fit to be quashed and the same is, accordingly, quashed.

Next, it was pointed out that Criminal Writ Petition No.11296 of 2007 titled as Roshni Bhojwani vs. State & Ors., filed by the wife under Section 482 of the Code of Criminal

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Procedure is pending in the Allahabad High Court. It has been stated that the wife does not intend to proceed further with the same. Accordingly, we direct that the said case stands withdrawn.

In view of this, the transfer petition is, accordingly, disposed of.

.....J.
(B.N. AGRAWAL)

.....J.
(P. SATHASIVAM)

New Delhi,

October 01, 2007.