

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2020
(Arising out of SLP(Crl.) No. 5353 of 2019)

SACHIN GUPTA

Appellant(s)

VERSUS

MS. RACHANA GUPTA

Respondent(s)

O R D E R

Leave granted.

This Court by its order dated 14.10.2019 directed the parties to appear before the Supreme Court Mediation Centre for settlement of all contentious issues pending between them.

Both the parties are present in Court today. They have amicably settled all the disputes and have reduced the settlement terms into writing in the form of Settlement Agreement, which reads thus:

“SETTLEMENT AGREEMENT

This Settlement Agreement is being executed between Petitioner Mr. Sachin Gupta S/o Mr. Vipin Gupta R/o 6A/2, Ratan Kunj, E-Block, Shastri Nagar, Meerut, Uttar Pradesh – 250004 and Respondent Ms. Rachana Gupta, D/o Mr. H.L. Gupta R/o Flat No. 37, Venus Apartments, Paschim Vihar, New Delhi and also

Residence at :- 8/161, Shiv Puri, District Aligarh, Uttar Pradesh.

All parties named at page No. 1 herein above to this settlement agreement and who are connected to this matrimonial dispute have also agreed and signed this settlement agreement.

The marriage between the Petitioner and Respondent was solemnized on 09.12.2012 at Merrut, Uttar Pradesh. Due to differences both parties are not living together since 2013 and several cases have been filed against each other and their family members and also by third parties in connection to this matrimonial dispute. There is no issue out of this wedlock.

This Hon'ble Court vide its order dated 14.10.2019 was pleased to refer the matter to Mediation Centre, Supreme Court of India, New Delhi.

Comprehensive mediation sessions were held with the parties separately and jointly on 26.10.2019, 14.11.2019, 28.11.2019, 17.12.2019, 07.01.2020, 24.01.2020 and today i.e. on 05.02.2020 and with the indulgence of all parties and Mediator, the parties have arrived at an amicable settlement on the following terms and conditions:

1. 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 arrived at this Settlement in the presence of the mediator, the Respondent Counsel and their family members and also Mr. Ravi Garg (Family friend of Petitioner) and Mr. Neeraj Pachouri (Advocate for the Respondent) who are connected to this matrimonial dispute of Mr. Sachin Gupta (husband) and Ms. Rachna Gupta (wife).
2. That the following cases filed by the parties is as under:-
 - (i) Complaint Case No:- MC/5551220/2016 under Section 12(DV Act) pending before in the Court No. 252 of MM-Deepika Thakran, Tis Hazari, District West, Delhi. Case filed by complaint Ms. Rachana Gupta against- Mr.Sachin Gupta (Husband), Mr.Vipin Gupta(Father-In- Law), Mrs.Sunita Gupta (Mother- in-Law), Mr.Atik Gupta (Brother-In- Law)
 - (ii) Case No: MT/7176/2016 under Section 125 (Maintenance) pending before in the court of Ms. Renu Bhatnagar (Principle Judge)Court No.1, Tis Hazari, District West Delhi titled Rachana Gupta Vs Sachin Gupta
 - (iii) CrI. Case No. 17201/2018 from FIR No. 650 of 2015, P.S. South Campus, New Delhi under Section 354/354(A)/509/323/341/506/34 pending in the court of Ld. M.M. Ms.Vasundhara Chauhkar, Court no:30, Patiala House Court, Delhi titled State Vs. Vipin Gupta & Sachin Gupta. Complainant

Rachana Gupta and Hazari Lal Gupta.

(iv) Cr.Rev.No:83/2018 (Revision Petition against 498A/406/34 IPC) pending in the Court No. 440 of Ld.Additional Sessions Judge Shri. Vidya Prakash, Dwarka Court titled Sachin Gupta & Ors. Vs. State of NCT of Delhi & Anr.

(v) CrI. Case No: 427432/2016 in FIR No. 102 of 2014, P.S. C.A.W. Nanakpura under Section 498A/406/34 pending in the Court No. 514 M.M.,-Shivani Chauhan, Dwarka Court, Delhi titled State Vs. Sachin Gupta & Ors.

(vi) CrI. Case no:5487/2017 in FIR No. 298 of 2014 P.S. Medical Meerut, Uttar Pradesh under Section 323/504/506/427 pending in the court of CJM, District Court Meerut (U.P) titled State Vs. Rachna Gupta & Ors.

(vii) Complaint Case No: 52044/19 Old Case No:3126/14 under Section 500 IPC pending in the court of ACJ, Meerut (U.P) titled Ravi Garg Vs Rachna Gupta.

(viii) Matrimonial Case no: 259/14 under Section 12 (1) (c) and Section 13 of H.M. Act (Divorce) pending before Family Court, Meerut (U.P) titled Sachin Gupta Vs Rachna Gupta

3. That both the parties have entered into a full and final settlement / agreement in respect to the above mentioned cases on the following terms & conditions:

(i) That both the parties herein agree that they shall jointly pray to the Hon'ble Supreme Court to exercise its power under Article 142 of the Constitution of India and to grant Decree of Divorce by mutual consent in the present matter after quashing of all the cases filed by either of the parties as listed in para 2 hereinabove. The Respondent / husband will pay a full and final amount of Rs. 5,60,000/- (Rupees Five Lakh Sixty Thousand Only) through a demand draft issued in the name of the Respondent (Rachana Gupta) on the date of hearing before this Hon'ble Court if this Hon'ble Court is pleased to pass Order of decree of divorce after quashing of all cases filed against each other.

(ii) That in case the Hon'ble Supreme Court is not inclined to pass the decree of divorce by mutual consent under Article 142 of the Constitution of India in view of the pending criminal cases, then the parties agree and undertake:

(a) to file an application for withdrawal / quashing of their respective cases as listed in para – 2 hereinabove within four weeks of the passing of the order by the Hon'ble Supreme Court.

(b) That Mr. Ravi Garg (Family friend) of the Petitioner will also file

an application for withdrawal Complaint Case No: 52044/19 Old Case No:3126/14

(c) That after four weeks of the filing of the application of withdrawal / quashing of all cases as listed in para -2 hereinabove, the Mr. Sachin Gupta, husband and Ms. Rachana Gupta, wife named as above will file an application for mutual divorce in the Family Court, Tis Hazari, New Delhi. It is agreed between Mr. Sachin Gupta and Ms. Rachna Gupta that they will seek waiver of time period mentioned in Section 13 - B (2) of H.M.Act.

(d) Both the parties (Mr. Sachin Gupta and Ms. Rachna Gupta) undertake to be present before the appropriate Court for the filing and for the recording of the statements in the mutual consent divorce petition. Further both the parties will cooperate as per this settlement agreement in drafting and filing of the mutual consent application before the Family Court, Tis Hazari, New Delhi.

4. It has been agreed between both the parties that Petitioner-husband Mr. Sachin Gupta shall pay a sum of Rs. 5,60,000/- (Rupees Five Lakh Sixty Thousand Only) as a full and final settlement to Ms. Rachna Gupta towards maintenance past, present, future and permanent Alimony and towards full maintenance. By signing this agreement both the parties have no claim towards each other.

5. The parties agree that the Petitioner-husband shall pay to Respondent -wife Ms. Rachna Gupta by way of demand draft of Rs. 5,60,000/- (Rupees Five Lakh Sixty Thousand Only) at the time of confirmation of the mutually consented divorce to be passed by the Hon'ble Court.

6. The parties and / or their family members, relatives or parties connected to this matrimonial dispute undertake not to initiate any other litigation against each other in future also. The parties undertake to make an application seeking divorce by mutual consent in terms of this Settlement Agreement before Family Court, Tis Hazari, New Delhi.

7. Both the parties agree and undertake that they have settled all their disputes and grievances against each other and against their family members amicably and they shall not file any complaints, proceedings whether criminal or civil, if any against each other or their family members or stake any claim on the movable or

immovable, joint or ancestral, self-acquired or HUF properties of either parties and their respective families. Both the parties further hereby withdraw all allegations against each other made anywhere in any proceedings.

8. 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.

9. That the parties are accordingly signing this settlement agreement in presence of all named above, to authenticate their will to comply the same as agreed above.

10. Both the parties further agree that while carrying out the above said stipulations no party should take advantage of its own wrong.

(Sachin Gupta)
Petitioner-in-person

(Rachana Gupta)
Respondent-in-person

(Vipin Gupta)
Father of the Petitioner

(Rajesh Gupta)
Brother of Respondent

(Sunita Gupta)
Mother of the Petitioner

(Reena Gupta)
Sister of the Respondent

(Atik Gupta)
Brother of the Petitioner

(Hazari Lal Gupta)
Father of the Respondent

(Ravi Garg)
Family Friend of the Petitioner

(Sushil Gupta)
Brother-in-law of the Respondent

(Neeraj Pachouri)
Advocate for the Respondent

(Nidhi)
Advocate for the Respondent

[Asha Gopalan Nair]
Mediator
Supreme Court of India

Dated: 05th February, 2020”

A joint prayer is made by both the parties for disposing of the appeal and all proceedings pending between them on terms and conditions specified hereinabove, as recorded in the Settlement Agreement.

As per settlement arrived at between the parties, a banker's cheque amounting to Rs. 5,60,000/- (Rupees Five Lakh Sixty Thousand Only) has been handed over by the respondent-husband (Sachin Gupta) and is accepted by respondent-wife (Rachana Gupta) without any demur today in the Court.

The settlement terms are accompanied by affidavits of family members of the respondent-Ms. Rachana Gupta, who have no objection and have given their consent for the settlement terms proposed by both the parties. The affidavits are taken on record and will form part of the Settlement Agreement.

Having regard to above, we are satisfied that the settlement entered into between the parties on 05.02.2020 deserves to be accepted and so also the oral prayer made for a decree of divorce by mutual consent in exercise of our powers under Article 142 of the Constitution of India.

We, accordingly, grant the decree of divorce by mutual consent, as prayed. Undertakings given by the parties in the Settlement Agreement dated 05.02.2020 are accepted. Accordingly, the marriage between Mr. Sachin Gupta and Ms. Rachana Gupta solemnized on 09.12.2012 stands dissolved.

In view of above, cases being (i) Complaint Case No:- MC/5551220/2016 under Section 12(DV Act) pending before in the Court No. 252 of M.M.-Deepika Thakran, Tis Hazari, District West, Delhi, (ii) Case No: MT/7176/2016 under Section 125 (Maintenance) pending before in the court of Ms. Renu Bhatnagar (Principle Judge) Court No.1, Tis Hazari, District West Delhi titled Rachana Gupta Vs Sachin Gupta, (iii) Crl. Case No. 17201/2018 from FIR No. 650 of 2015, P.S. South Campus, New Delhi under Section 354/354(A)/509/323/341/506/34 pending in the court of Ld. M.M. Ms.Vasundhara Chauhkar, Court No:30, Patiala House Court, Delhi titled State Vs. Vipin Gupta & Sachin Gupta, (iv) Cr. Rev. No:83/2018 (Revision Petition against 498A/406/34 IPC) pending in the Court No. 440 of Ld. Additional Sessions Judge Shri. Vidya Prakash, Dwarka Court titled Sachin Gupta & Ors. Vs.

State of NCT of Delhi & Anr., (v) Crl. Case No: 427432/2016 in FIR No. 102 of 2014, P.S. C.A.W. Nanakpura under Section 498A/406/34 pending in the Court No. 514 M.M.-Shivani Chauhan, Dwarka Court, Delhi titled State Vs. Sachin Gupta & Ors, (vi) Crl. Case no:5487/2017 in FIR No. 298 of 2014 P.S. Medical Meerut, Uttar Pradesh under Section 323/504/506/427 pending in the court of CJM, District Court Meerut (U.P) titled State Vs. Rachna Gupta & Ors., (vii) Complaint Case No: 52044/19 Old Case No:3126/14 under Section 500 IPC pending in the court of ACJ, Meerut (U.P) titled Ravi Garg Vs Rachna Gupta and (viii) Matrimonial Case no: 259/14 under Section 12 (1) (c) and Section 13 of H.M. Act (Divorce) pending before Family Court, Meerut (U.P) titled Sachin Gupta Vs Rachna Gupta, shall stand withdrawn to this Court and are quashed/disposed of.

We once again record and accept the undertaking given by the parties that they will abide by the terms and conditions incorporated in the Settlement Agreement and shall not initiate any further civil or criminal case against each other and/or their family members with regard to the matrimonial alliance.

Resultantly, the appeal is disposed of in the
aforementioned terms.

We express a word of appreciation for the sincere
efforts put in by learned Mediator (Ms. Asha Gopalan
Nair), who facilitated the parties to settle the matter
in the above terms. We also appreciate the efforts made
by Ms. Nidhi, Advocate on Record for the respondent
nominated by the Supreme Court Legal Services
Committee.

....., J.
(A.M. KHANWILKAR)

....., J.
(DINESH MAHESHWARI)

NEW DELHI
FEBRUARY 26, 2020

ITEM NO.8

COURT NO.7

SECTION II-C

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 S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5353/2019

(Arising out of impugned final judgment and order dated 21-01-2019 in CRRP No. 476/2018 passed by the High Court Of Delhi At New Delhi)

SACHIN GUPTA

Petitioner(s)

VERSUS

RACHANA GUPTA

Respondent(s)

IA No. 91507/2019 - EXEMPTION FROM FILING O.T.
IA No. 91505/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON
IA No. 91514/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 26-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

Mr. Vaisal Pathan, Adv.
Ms. Nidhi, AOR (NP)

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]

