

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.1056 OF 2020

PRERNA

PETITIONER

VERSUS

SERENE BATRA

RESPONDENT

O R D E R

1. Both the parties are present in Court, who have been duly identified by their respective counsel.

2. Learned counsel for the parties have referred to the settlement agreement executed by and between the parties on 15.09.2022 before the Supreme Court Mediation Centre, New Delhi and have submitted that all the disputes and differences of the parties having been amicably resolved, appropriate and necessary orders may be passed in terms of their agreement.

3. The petitioner-wife has filed this petition under Section 25 of the Code of Civil Procedure, 1908 read with Order XLI of the Supreme Court Rules, 2013, seeking transfer of the petition filed by the respondent-husband for dissolution of marriage, being HMA No.1293 of 2019, from the Court of Additional Principal Judge, Family Court, Karnal, Haryana to the Family Court at Alwar, Rajasthan.

4. On 05.10.2020, this Court issued notice in the transfer petition and further proceedings in the said HMA

No.1293 of 2019 were ordered to be stayed. Thereafter, on 26.07.2022, looking to the elements of settlement in this matter, parties were referred to the Supreme Court Mediation Centre.

5. On 15.09.2022, both the parties amicably resolved all their disputes and differences by entering into a settlement agreement in the presence of mediator and their respective counsel after participating in mediation sessions.

6. The learned Mediator has forwarded the Settlement Agreement dated 15.09.2022 wherein the parties have stated mutual settlement and have, *inter alia*, stated that they would be jointly making prayer for divorce by mutual consent under Article 142 of the Constitution of India and would also conclude the matters pending between them.

7. The Settlement Agreement dated 15.09.2022 reads as under: -

#### "SETTLEMENT AGREEMENT

This Settlement Agreement is entered into between Ms. Prerna, D/o Sh. Mehender Nath Thareja, R/o Thareja Nursing Home, Company Bagh Road, P.S. City, Kotwali, District - Alwar, Rajasthan. and Mr. Serene Batra, S/o Mr. Satish Batra, R/o House No. 849,-P, Sector - 9, District - Karnal, Haryana.

The marriage between the petitioner and respondent was solemnized as per Hindu rites and customs on 07.06.2017 at Alwar, Rajasthan and there is no issue out of this wedlock. Both the parties resided together as husband and wife till 26.04.2018 and thereafter disputes and differences had arisen between the parties hereto and they started to live separately since then onwards.

1. Comprehensive mediation sessions were held with the parties on today i.e. on 15.09.2022 (physical Mediation).

2. 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 counsel for both the parties.

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

(i). Case No.01/73/20 under Section 12 of D.V. Act pending before the Additional Civil Judge cum Magistrate -II, Alwar, Rajasthan filed by the Petitioner-wife.

(ii) FIR No.0206 of 2020 lodged in Mahila Thana, Alwar Rajasthan under Section 498-A, 406 IPC.

(iii) H.M.A. No.1293 of 2019 under Section 13(1)(ia) of the Hindu Marriage Act pending before Additional Principal Judge, (Family Court) Karnal Haryana.

4. That both the parties have agreed to withdraw all their cases each other and co-operate quashing the same, if so required in any of the aforesaid cases and further both the parties agreed not to initiate any legal proceedings against each other

5. The Respondent-husband, Mr. Serene Batra, has agreed to pay a sum of Rs. 10,00,000/- (Rs. Ten Lakhs Only) to petitioner wife- Ms. Prerna herein as full and final settlement towards all and any past, present and future claim including her maintenance, stridhan, alimony expenses etc.

6. That this amount of Rs. 10,00,000/- shall be deposited by the Respondent-husband way of demand draft with the Registry of the Hon'ble Supreme Court along with deed of settlement, on or before 10<sup>th</sup> October, 2022. Upon such deposit as well filing of settlement deed the Petitioner shall withdraw the cases i.e petition under D.V. Act as well as FIR No. 0206 of 2020 filed by her at Alwar, Rajasthan within two weeks. If in any eventuality, the petitioner faces any difficulty in withdrawal of the FIR No. 0206 of 2020 lodged in Mahila Thana, Alwar Rajasthan under Section 498-A, 406 IPC in that case both the parties shall pray for quashing of the said FIR before this

Hon'ble Court.

7. After deposit the payment of Rs. 10,00,000/- (Rs. Ten Lakhs Only) both the parties shall file joint application under Article 142 of Constitution of India before the Hon'ble Supreme Court, and will pray the Hon'ble Court for disposal/quashing of all the cases, ensuring withdrawal of all the cases, and shall also pray for grant of decree of divorce by way of mutual consent.

8. That after the withdrawal of the cases by the Petitioner and upon disposal of the Petition under Article 142 of the Constitution of India, the amount so deposited with the registry of the Hon'ble Supreme Court shall be immediately released to the Petitioner.

9. It is agreed between the parties they shall have no right, title or interest over the movable or immovable properties of each other. Further both the parties shall not initiate any sought of the litigation (civil/criminal) against each other in future.

10. It is agreed between the parties that the parties shall be free to live their life independently without interference of any kind of each other side.

11. It is agreed between the parties that they shall be left with no matrimonial rights towards each other and shall not litigate against each other and their respective family members qua the marriage in future.

12. 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.

13. 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.

Sd/-  
(Perna)  
Petitioner-Wife

Sd/-  
(Dr. Serene Batra)  
Respondent-Husband

Sd/- (Mahender Nath Thareja) Sd/- (Om Prakash Ratra)  
Father of the Petitioner Maternal Uncle of the Respondent

Sd/- (Vandana Sharma Bhandari) Sd/- (Karan Kapoor)  
Advocate for the Petitioner Advocate for the Respondent

Sd/-  
[Mridual Aggarwal]  
Mediator  
Supreme Court of India  
Date: 15.09.2022"

8. The parties have now moved a joint application (I.A. No.200633 of 2022) supported by their affidavits and, with reference to the settlement, have prayed for grant of a decree of divorce by mutual consent and for other necessary orders in exercise of our powers under Article 142 of the Constitution of India.

9. It has also been submitted by the learned counsel *ad idem* that the parties have taken necessary steps under the Settlement Agreement aforesaid and all the matters, previously pending between them, stand concluded.

10. In terms of the said Settlement Agreement, the respondent-husband is required to make payment of a sum of Rs.10,00,000/- (Rupees Ten Lakh) to the petitioner-wife. In that regard, it is submitted that the said sum of Rs.10,00,000/- (Rupees Ten Lakh) has already been deposited by the respondent-husband by way of demand draft with the Registry of this Court.

11. The said sum of Rs.10,00,000/- deposited by the respondent-husband by way of demand draft bearing no.812244 dated 01.10.2022 and lying in the non-interest bearing account with the Registry, be made over to the petitioner-wife by transmitting to her bank account, the details whereof are stated in paragraph 7 of the application.

12. So far as Locker No.AD-297 with Punjab National Bank, Karnal, Haryana is concerned, the petitioner-wife, present in-person before the Court, has handed over the keys of that locker to the respondent-husband, who is also present in-person in the Court and has accepted the keys in discharge of the obligation of the petitioner-wife; and this Court is satisfied with the compliance of that part of the agreement of the parties.

13. So far as the cases pending between the parties are concerned, it is an admitted position that D.V. Case No.01/73/20, which was pending in the Court of Additional Civil Judge-cum-Judicial Magistrate-II, Alwar, Rajasthan, stands already concluded, for having been withdrawn by the petitioner-wife.

14. So far as the proceedings pertaining to FIR No.0206 of 2020 lodged at Mahila Thana, Alwar for offences under Sections 498-A and 406 IPC is concerned, it is noticed from the material placed on record that the Court of Additional Chief Judicial Magistrate-IV, Alwar, in its order dated 31.10.2022, declined to accept the prayer for

withdrawal as made by the petitioner-wife, essentially with reference to the fact that the offence under Section 498-A IPC is not compoundable in terms of Section 320 CrPC.

14.1. Taking note of the totality of facts and circumstances of the case and particularly when the said FIR essentially had its genesis in the matrimonial discord and now the parties have amicably resolved all their disputes; and the petitioner-wife is not desirous of continuing with such criminal case and the parties are willing to proceed ahead in life in terms of their settlement agreement after having carried out all their obligations, we find no reason that the proceedings under the said FIR be taken further. Rather, all the requirements of justice demand that such proceedings be also quashed.

15. Accordingly, and in view of the above:

(i) The prayer jointly made by the parties is accepted and, by invoking powers under Article 142 of the Constitution of India and with reference to Section 13B of the Hindu Marriage Act, 1955, we grant a decree of divorce by mutual consent to the parties. Consequently, the marriage between the petitioner and the respondent, solemnized on 07.06.2017, stands dissolved.

(ii) In view of the dissolution of marriage of the parties by a decree of divorce by mutual consent, HMA

No. 1293 of 2019 in the Court of Principal Judge, Family Court, Karnal, Haryana stands disposed of, for no further proceedings being required therein.

(iii) The proceedings in FIR No.0206 of 2022 lodged at Mahila Thana, Alwar, Rajasthan are hereby quashed.

(iv) The Settlement Agreement dated 15.09.2022 is taken on record, made part of this order, and accepted by the Court. The undertakings given in the Settlement Agreement dated 15.09.2022 are also accepted. All claims stand settled in terms thereof.

16. The parties agree that, henceforth, they will not initiate any proceedings against each other in reference to the issues which stand closed in terms of the settlement. The parties undertake to abide by their obligations without any exception.

17. Consequently, this transfer petition is disposed of in the aforementioned terms. All pending applications also stand disposed of.

18. While disposing of the matters, we place on record our appreciation for the efforts made by the learned mediator and respective learned counsel in assisting the parties to arrive at an amicable settlement.

.....J.  
(DINESH MAHESHWARI)

.....J.  
(HRISHIKESH ROY)

New Delhi;  
February 03, 2023.

ITEM NO.1

COURT NO.6

SECTION XVI-A

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

Transfer Petition(s)(Civil) No(s).1056/2020

PRERNA

Petitioner(s)

VERSUS

SERENE BATRA

Respondent(s)

(IA No.200633/2022 - APPLICATION FOR SETTLEMENT, IA No.95411/2020 - EX-PARTE STAY, IA No.17389/2021 - EXEMPTION FROM FILING O.T., IA No.200634/2022 - EXEMPTION FROM FILING O.T.)

Date : 03-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Ms. Vandana Sharma, AOR

For Respondent(s) Mr. Karan Kapoor, Adv.  
Mr. Manik Kapoor, Adv.  
Mr. Deepak Samota, Adv.  
Mr. Shubham Bhalla, AOR

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

This transfer petition is disposed of in terms  
of the signed order.

All pending applications also stand disposed of.

(NEETU KHAJURIA)  
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)  
COURT MASTER

(Signed order is placed on the file.)