

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

MISCELLANEOUS APPLICATION NO. 2243 OF 2020

IN

TRANSFER PETITION (CIVIL) NO. 1001 OF 2018

CHHAVI RATHEE @ CHHAVI MALIK

Petitioner(s)

VERSUS

DURVESH SINGH RATHEE

Respondent(s)

O R D E R

By order dated 08.12.2022, on a joint statement, the parties were referred to mediation to explore possibility of settlement.

The parties have entered into a Settlement Agreement dated 17.03.2023.

Learned counsel for the parties' state that the Settlement Agreement may be taken on record and order may be passed in exercise of power under Article 142 of the Constitution of India.

The marriage between the applicant/petitioner - Chhavi Rathee @ Chhavi Malik and the non-applicant/respondent - Durvesh Singh Rathee was solemnized on 10.03.2016 at Meerut, Uttar Pradesh. The parties do not have any child. They had cohabited as husband and wife till 29.03.2018.

The non-applicant/respondent - Durvesh Singh Rathee had filed a divorce petition under 13 (1) (ia), 13 (1) (ib) and 13 (1) (i) of the Hindu Marriage Act, 1955. The applicant/petitioner - Chhavi Rathee @ Chhavi Malik had filed proceedings under the Protection of

Women from Domestic Violence Act, 2005 and Section 125 of the Code of Criminal Procedure, 1973. She had also made a complaint, pursuant to which First Information Report (FIR) no. 385/2018 dated 24.10.2018 under Section 498A and 307 of the Indian Penal Code, 1860 (IPC) came to be registered. Subsequently, in the chargesheet charges under Sections 323, 504, 506 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 were added.

Earlier also the parties were referred to mediation and had entered into a Settlement Agreement dated 27.07.2019. However, inspite the settlement agreement disputes and differences have not been resolved and the parties did not cohabit.

In the aforesaid factual background, we accept and take on record the Settlement Agreement dated 17.03.2023 entered into between the parties, and in exercise our power under Article 142 of the Constitution of India pass a decree of divorce by mutual consent dissolving the marriage between Chhavi Rathee @ Chhavi Malik and Durvesh Singh Rathee.

The non-applicant/respondent - Durvesh Singh Rathee had earlier paid Rs.2,00,000/- (Rupees Two Lakhs Only) to the applicant/petitioner - Chhavi Rathee @ Chhavi Malik. A further payment of Rs.28,00,000/- (Rupees Twenty Eight Lakhs Only) has been made today in the court by the learned counsel for non-applicant/respondent - Durvesh Singh Rathee, by way of handing over a demand draft of the said amount, to the counsel for the applicant/petitioner - Chhavi Rathee @ Chhavi Malik. Accordingly, full payment in terms of the Settlement Agreement towards maintenance, alimony etc. in favour of Chhavi Rathee @ Chhavi

Malik has been made.

Referring to the Settlement Agreement, learned counsel for the parties' state that the criminal proceedings arising out of FIR no. 385/2018 dated 24.10.2018 registered with Police Station Pallavpuram, Meerut, Uttar Pradesh under Sections 498A, 307, 323, 504 and 506 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 may be quashed.

In view of the aforesaid facts and as the parties have entered into Settlement/Compromise Agreement, we accept the prayer and quash the proceedings arising out of FIR no. 385/2018 dated 24.10.2018 registered with Police Station Pallavpuram, Meerut, Uttar Pradesh.

We also deem it proper to record that the parties will be bound by the terms of the Settlement Agreement dated 17.03.2023 and will abide by the same.

The miscellaneous application is accordingly disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(M.M. SUNDRESH)

NEW DELHI;
MARCH 27, 2023.

ITEM NO.1

COURT NO.7

SECTION XVI-A

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

Miscellaneous Application No. 2243/2020 in T.P.(C) No. 1001/2018

CHHAVI RATHEE @ CHHAVI MALIK

Petitioner(s)

VERSUS

DURVESH SINGH RATHEE

Respondent(s)

(IA No. 149099/2022 - APPLICATION FOR PERMISSION, IA No. 98157/2020 - CLARIFICATION/DIRECTION and IA No. 98156/2020 - RECALLING THE COURTS ORDER)

Date : 27-03-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s)

Mr. Ranbir Singh Yadav, AOR
Mr. Puran Mal Saini, Adv.
Ms. Anzu K Varkey, Adv.
Mr. Prateek Yadav, Adv.
Mr. Ritesh Patil, Adv.
Mr. Yogesh Yadav, Adv.
Mr. Abhishek Sharma, Adv.
Ms. Niharika Dudeja, Adv.

For Respondent(s)

Mr. Shantwanu Singh, AOR
Mr. Ashok Kumar Singh, Adv.
Ms. Pragya Singh, Adv.
Mr. Akshay Singh, Adv.
Mr. Sunny Singh, Adv.

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

The miscellaneous application is disposed of, in terms of the signed order.

Other Pending interlocutory applications, if any, shall also stand disposed of.

(DEEPAK GUGLANI)
AR-CUM-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

(signed order is placed on the file)