

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.15720 OF 2019

RAJESH KSHETRY

Petitioner(s)

VERSUS

SOMPITA KSHETRY

Respondent(s)

O R D E R

R. BANUMATHI, J.:

(1) We have heard Mr. Arvind Kumar Tiwary, learned counsel appearing for the petitioner-husband and Ms. Anvesha Saha, learned counsel appearing for the respondent-wife and also perused the impugned judgment.

(2) The marriage between the petitioner and the respondent was solemnized on 08.08.2011 under the Special Marriage Act. After four years the relationship between the parties strained. The petitioner-husband filed a petition for divorce. The respondent-wife filed an application seeking maintenance. There are other litigations between the parties.

(3) The Trial Court ordered payment of maintenance of an amount of Rs.40,000/- per month which the High Court upheld. Being aggrieved, the petitioner-husband has preferred this special leave petition.

(4) By Order dated 29.07.2019 we have referred the parties to the Supreme Court Mediation Centre. A report has been received

from the Supreme Court Mediation Centre along with the Settlement Agreement dated 28.09.2019 stating therein that the parties have arrived at an amicable settlement.

(5) When the matter is taken up for hearing today, the petitioner-husband, Rajesh Kshetry, and the respondent-wife, Sompita Kshetry, are present in the Court in-person. Both the petitioner-husband and the respondent-wife have stated that they have voluntarily and willingly settled the matter and prayed that the marriage between them be dissolved by mutual consent in terms of Section 28 of the Special Marriage Act by exercising the power of this Court under Article 142 of the Constitution of India. To that effect an application has also been filed today before the Court under Section 28 of the Special Marriage Act read with Article 142 of the Constitution of India. As per the Settlement Agreement the petitioner-husband has to pay an amount of Rs.35,00,000/- (Rupees Thirty Five Lakhs) to the respondent-wife. The respondent-wife, Sompita Kshetry, who is present in the Court, has stated that she has already received the said amount by way of Demand Draft/Cheque and the entire amount of Rs.35,00,000/- (Rupees Thirty Five Lakhs) has been realised/paid to her. Both the parties have prayed that the appropriate orders be passed in other cases between the parties pending before the various courts.

(6) In view of above since the matter has been amicably settled the matter between the parties, we further order that :

(i) FIR No.3 of 2015 dated 25.07.2015 registered at

Bidhannagar (Women) Police Station under Sections 498A/406/323/34 of IPC read with Sections 3/4 of Dowry Prohibition Act is quashed;

(ii) FIR NO.151 of 2018 dated 13.06.2018 registered at Adityapur Police Station under Sections 420/406 of IPC read with Sections 66(B)/66(C)/66(D) of the Information Technology Act is also quashed;

(iii) Maintenance Case No.8 of 2016 filed by the respondent-wife under Section 125 of the Cr.P.C. pending before the Judicial Magistrate at Bidhannagar, District North 24 Paraganas, West Bengal, is ordered to be closed;

(iv) Complaint Case NO.117 of 2019 filed under Section 12 of the Protection of the Women from Domestic Violence Act, 2005 pending consideration before the Judicial Magistrate at Bidhannagar, District North 24 Paraganas, West Bengal, is also ordered to be closed;

(v) Cyber Case, FIR No.25 of 2018 dated 11.04.2018 registered at Cyber Police Station (corresponding to GR Case NO.508 of 2018) under Sections 66/43/84B of the Information Technology Act is quashed;

(vi) FIR No.414 of 2018 dated 17.07.2018 registered at Bijpur Police Station under Sections 341/323/506/34 IPC filed against the parents of the respondent is quashed;

(vii) FIR No.58 of 2018 dated 26.07.2018 registered at Frasergunge Coastal Police Station (corresponding to GR Case no.1085 of 2018) under Sections 341/323/379/506 IPC filed against the respondent and her mother is quashed; and

(viii) Matrimonial Suit No.121 of 2015 pending for adjudication before the Additional District Judge, 7th Court at Barasat is closed.

(7). The parties are directed to bring the settlement and this order to the notice of concerned Courts and request the concerned Courts to pass the consequential orders.

(8). Since the parties have amicably settled the matter and the Settlement Agreement has also been filed, in the interest of justice, in exercise of our jurisdiction under Article 142 of the Constitution of India, the marriage solemnized between the petitioner-husband and the respondent-husband on 08.08.2011 is dissolved and decree of divorce is passed. The Settlement Agreement between the parties shall form part of this order. The Registry is directed to draft a decree in terms of the above order and the Settlement Agreement dated 28.09.2019 filed by the parties before this Court which shall form part of this order.

(9). With the above directions, the special leave petition is accordingly disposed of.

.....J.
(R. BANUMATHI)

.....J.
(A.S. BOPANNA)

NEW DELHI,
NOVEMBER 15, 2019.

ITEM NO.38

COURT NO.5

SECTION XVI

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 (C) No(s). 15720/2019

(Arising out of impugned final judgment and order dated 28-02-2019 in CO No. 3941/2017 passed by the High Court At Calcutta)

RAJESH KSHETRY

Petitioner(s)

VERSUS

SOMPITA KSHETRY

Respondent(s)

(Mediation Report has been received)

(IA No. 130262/2019 - APPLICATION FOR VACATION OF INTERIM ORDER)

Date : 15-11-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Arvind Kumar Tiwary, Adv.
Mr. C. K. Rai, AOR
Mr. Sumit Panwar, Adv.

For Respondent(s) Ms. Anwasha Saha, Adv.
Mr. Fuzail Ahmad Ayyubi, AOR

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

In terms of the signed order, the special leave petition is disposed of.

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

(MAHABIR SINGH)
COURT MASTER

(BEENA JOLLY)
BRANCH OFFICER

(Signed Non-reportable order is placed on the file)

ITEM NO.38

COURT NO.5

SECTION XVI

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 (C) No(s). 15720/2019

(Arising out of impugned final judgment and order dated 28-02-2019 in CO No. 3941/2017 passed by the High Court At Calcutta)

RAJESH KSHETRY

Petitioner(s)

VERSUS

SOMPITA KSHETRY

Respondent(s)

(Mediation Report has been received)

(IA No. 130262/2019 - APPLICATION FOR VACATION OF INTERIM ORDER)

Date : 15-11-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Arvind Kumar Tiwary, Adv.
Mr. C. K. Rai, AOR
Mr. Sumit Panwar, Adv.

For Respondent(s) Ms. Anwesha Saha, Adv.
Mr. Fuzail Ahmad Ayyubi, AOR

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

In terms of the signed order, the special leave petition is disposed of.

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

(MAHABIR SINGH)
COURT MASTER

(BEENA JOLLY)
BRANCH OFFICER

(Corrected Signed Non-reportable order is placed on the file)