

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL APPELLATE/ORIGINAL JURISDICTION

SPECIAL LEAVE PETITION (CRL.) NO.3824/2018

AMIT ASHOK JOSHI & ORS.

PETITIONER(S)

VERSUS

THE STATE OF ASSAM & ANR.

RESPONDENT(S)

WITH SPECIAL LEAVE PETITION (CRL.) NO. 3821/2018
TRANSFER PETITION (CRL.) NO. 304-307/2022
TRANSFER PETITION (CRL.) NO. 359/2020
TRANSFER PETITION (C) NO. 1282/2020
TRANSFER PETITION (C) NO. 963/2022

O R D E R

Today the present proceedings are taken up for further hearing. It is reported that both husband and wife have settled their disputes amicably and entered into Settlement Agreement dated 12.10.2022 which is placed on record as Annexure A-2 to the I.A. No.179307 of 2022 in Transfer Petition (Civil) No.1282 of 2020.

On the basis of the said settlement, it is prayed in I.A. No.179307 of 2022 in Transfer Petition (Civil) No.1282 of 2020 as under :

- (a) Grant Decree of Divorce by mutual consent in favour of the parties by waiving off the period of six months in exercise of powers under Article 142 of the Constitution of India read with Section 13(b) of the Hindu Marriage Act, 1954;
- (b) Quash F.I.R. dated 22.01.2018 in All Women Case No.8/18 at Women Police Station at Guwahati filed by Petitioner and all other complaints filed against the respondent and his family members;
- (c) Quash MECR No.8/21 at Juhu Police Station, Mumbai filed by father of the Respondent and all other complaints filed against the Petitioner and her family members;
- (d) Quash PRC No.856/20 filed by the State of Assam

against the Respondent and his family members;

(e) Direct that all other pending cases, as tabulated in para 5 of this Application, may be disposed off as withdrawn by the respective parties in view of Memorandum of Settlement dated 12.10.2022;

(f) Accept the Memorandum of Settlement dated 12.10.2022 as full, final, irrevocable and binding on both the parties; and

(g) Pass such other or further orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Having heard learned Senior Advocates appearing for the respective parties and considering the settlement between the parties and the prayers made in the aforesaid interlocutory application and as agreed by the parties and in exercise of our jurisdiction under Article 142 of the Constitution of India, we grant decree of divorce by mutual consent in favour of the respective parties. The marriage between petitioner and respondent - wife and husband, stands dissolved. All the proceedings including criminal proceedings between the parties mentioned in paragraph 5 of the said interlocutory application stand quashed except PRC No.856/20 titled "*State of Assam vs. Amit Joshi & Ors.*" pending before the Judicial Magistrate 1st Class-IV, Kamrup (M), Guwahati, Assam.

I.A. No.179307 of 2022 in Transfer Petition (Civil) No.1282 of 2020, is allowed to the aforesaid extent.

The parties are directed to act as per the Settlement Agreement dated 12.10.2022 entered into between them.

So far as Special Leave Petition (Crl.) Nos.3824 and 3821 of

2018 are concerned, as pursuant to earlier order dated 10.05.2018 passed by this Court, by the interim measure the petitioners-accused were granted anticipatory bail subject to terms and conditions that may be decided by the trial court in Gauhati and the same has been continued till date. It is directed that the said order dated 10.05.2018 be made absolute.

Ordered accordingly.

In view of the above, the present special leave petitions and the transfer petitions stand disposed of.

So far as PRC No.856/20 titled "*State of Assam vs. Amit Joshi & Ors.*" for the offence under Sections 120B, 498A, 307 and 506 of the Indian Penal Code read with Section 4 of the Protection of Women from Domestic Violence Act, 2005, pending before the Judicial Magistrate 1st Class-IV, Kamrup (M), Guwahati, Assam, is concerned, it will be open for the accused either to initiate appropriate proceedings before the concerned High Court and/or the concerned court for quashing and/or for compounding of offence which may be considered in accordance with law and on its own merits for which we have not expressed anything in favour of either of the parties.

.....J.
(M.R. SHAH)

.....J.
(C.T. RAVIKUMAR)

New Delhi;
November 28, 2022.

ITEM NO.9

COURT NO.5

SECTION II

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 3824/2018

(Arising out of impugned final judgment and order dated 12-04-2018 in AB No. 540/2018 passed by the Gauhati High Court)

AMIT ASHOK JOSHI & ORS.

Petitioner(s)

VERSUS

THE STATE OF ASSAM & ANR.

Respondent(s)

(With IA No. 77114/2019 - EXEMPTION FROM FILING O.T. and IA No. 106626/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS /ANNEXURES and IA No. 77109/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH SLP(Cr1.) No.3821/2018 (II)
(FOR INTERVENTION/IMPLEADMENT ON IA 77096/2019)

T.P.(Cr1.) No. 304-307/2022 (XVI-A)
(FOR EX-PARTE STAY ON IA 63428/2022)

T.P.(Cr1.) No. 359/2020 (XVI-A)
(FOR STAY APPLICATION ON IA 119877/2020)

T.P.(C) No. 1282/2020 (XVI-A)
(WITH Settlement and FOR EX-PARTE STAY ON IA 119327/2020 and FOR PASSING APPROPRIATE ORDER OR DECREE UNDER ARTICLE 142 OF THE CONSTITUTION ON IA 179307/2022)

T.P.(C) No. 963/2022 (XVI-A)
(FOR EX-PARTE STAY ON IA 62876/2022)

Date : 28-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Rakesh Khanna, Sr. Adv.
Ms. Anubha Agrawal, AOR

Mr. Jay Savla, Sr. Adv.
Mr. Jasdeep Singh Dhillon, Adv.
Mr. Prabhat Kumar Chaurasia, Adv.
Mr. Rahul Gupta, AOR
Ms. Stuti Sharma, Adv.

For Respondent(s) Mr. Rakesh Khanna, Sr. Adv.
Ms. Anubha Agrawal, AOR

Mr. Debojit Borkakati, AOR

Mr. Jay Savla, Sr. Adv.
Mr. Jasdeep Singh Dhillon, Adv.
Mr. Prabhat Kumar Chaurasia, Adv.
Mr. Rahul Gupta, AOR
Ms. Stuti Sharma, Adv.

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

I.A. No.179307 of 2022 in Transfer Petition (Civil) No.1282 of 2020, is allowed to the extent as indicated in the signed order.

The present special leave petitions and the transfer petitions stand disposed of in terms of the signed order. Pending interlocutory application(s), if any, also stands disposed of.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(Signed Order is placed on the file)