

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2026
(@ SLP(CRL.) NO(S). 9492/2024)

VIPIIN GUPTA

Appellant(s)

VERSUS

STATE OF WEST BENGAL & OTHERS

Respondent(s)

O R D E R

Leave granted.

2. The appellant is the husband of the second respondent. The appellant has filed this appeal being aggrieved by the order dated 28.06.2024 passed by the Calcutta High Court in C.R.R. No.2129/2024.

3. Learned counsel for the respective parties submitted that pursuant to several interim orders passed by this Court, during the pendency of this appeal, the parties have agreed to resolve their disputes with regard to the opening of the locker in the sixth respondent-bank at New Delhi and for the purpose of permitting the second respondent herein to withdraw her valuables in the bank.

4. Learned counsel for the respective parties submitted that the said exercise has been successfully completed and the report has also been filed by the manager of the bank which is attached to the Office Report. It is submitted that there is no disputes with regards to the valuables which have been withdrawn by the second respondent herein.

5. Learned counsel for the respective parties also submitted that the parties have decided to dissolve their marriage by a decree of divorce by mutual consent and therefore they have filed a joint application under Article 142 of the Constitution of India seeking dissolution of their marriage and also seek quashing of all cases which are pending *inter se*.

6. Learned counsel for the appellant also submitted that two demand drafts for a sum of Rs.10,00,000/- each have been handed over to the respondent-wife which have not yet been encashed by her pending final order of this Court. He submitted that once the final order of dissolution of marriage by a decree of divorce by mutual consent is passed by this Court, the appellant would have no objection for the respondent-wife to encash the said demand drafts. The said payment of Rs.20,00,000/- by the appellant to the second respondent is in full and final settlement of all claims made by the respondent-wife herein. Therefore, learned counsel for the respective parties submitted that the joint application filed under Article 142 of the Constitution of India may be taken on record and the marriage between the parties may be dissolved subject to the aforesaid terms and conditions.

7. On an earlier occasion, the parties were present in-person before this Court. Today the parties have appeared through video conferencing facility. When we queried the parties about their joint prayers and also the application that has been filed by them with their consenting affidavits, they

stated that they have indeed decided to part ways and seek a decree of divorce by mutual consent on the terms and conditions indicated in the application which has been jointly filed by them.

8. They also stated that they would abide by the said terms and conditions. The joint application has been filed by them out of their free volition, without any coercion or undue influence from either side. They stated that the said application may therefore be allowed.

9. In the above backdrop, we have taken on record the application filed under Article 142 of the Constitution of India and we have perused the terms and conditions stated therein as well as the prayers made by the parties jointly. The application is supported by the affidavits of the respective parties. The following cases are pending between the parties inter se.:

Sl. No.	Case Number & Title	Parties	Status & NDOH
1.	G.R. Case No.5236 of 2024/4390 of 2023 title "State of West Bengal v. Vipin Gupta & Ors." pending before the Ld. Court of 2 nd Judicial Magistrate of Purba Bardhaman at Burdwan; (Arising out of FIR No.354 of 2023 dated 08.08.2023 of Burdwan Women P.S., West Bengal]	Prosecution: State of West Bengal De-Facto Complainant: Sonam Gadia Accused Persons: Vipin Gupta Prem Gupta Madhu Gupta (Abated since Death) Ram Pratap Gupta alias Ram Pratap Aggarwal Santosh Gupta alias Santosh Aggarwal	PENDING 02.03.2026
2.	Misc. Crl. Case No.593 of 2023 titled "Sonam Gadia v. Vipin Gupta & Ors." pending before the Ld. Court of 6 th	Complainant: Sonam Gadia Respondents: Vipin Gupta	PENDING 06.02.2026

	Judicial Magistrate of Purba Bardhaman at Burdwan; [Complaint under DV Act, 2005]	Prem Gupta Madhu Gupta (Abated since Death) Ram Pratap Gupta alias Ram Pratap Aggarwal Santosh Gupta alias Santosh Aggarwal	
3.	Misc. CrI. Case No.822 of 2024 titled "Sonam Gadia v. Vipin Gupta" pending before the Ld. Court of 6 th Judicial Magistrate of Purba Bardhaman at Burdwan; [Complaint under Section 144 of BNSS, 2023]	<u>Complainant:</u> Sonam Gadia <u>Respondent:</u> Vipin Gupta	PENDING 06.02.2026
4.	CRR No.2528 of 2024 titled "Prem Gupta v. State of West Bengal & Anr. Pending before the Hon'ble High Court at Calcutta; [Quashing of FIR No.354 of 2023 dated 08.08.2023 of Burdwan Women P.S. and C.S. No.605 of 2023 dated 31.12.2023 emanated therefrom]	<u>Petitioner:</u> Prem Gupta <u>Respondents:</u> State of West Bengal Sonam Gadia	PENDING 18.02.2026
5.	CRR No.5387 of 2024 titled "Ram Pratap Gupta @ Ram Pratap Aggarwal v. State of West Bengal & Anr." pending before the Hon'ble High Court at Calcutta; [Quashing of FIR No.354 of 2023 dated 08.08.2023 of Burdwan Women P.S. and C.S. No.605 of 2023 dated 31.12.2023 emanated therefrom]	<u>Petitioners:</u> Ram Pratap Gupta alias Ram Pratap Aggarwal Santosh Gupta alias Santosh Aggarwal <u>Respondents:</u> State of West Bengal Sonam Gadia	PENDING 18.02.2026
6.	CRR No.4582 of 2025 titled "Prem Gupta & Ors. V Sonam Gadia" pending before the Hon'ble High Court at Calcutta; {Quashing of the complaint under DV Act, 2005]	<u>Petitioners:</u> Prem Gupta Ram Pratap Gupta alias Ram Pratap Aggarwal Santosh Gupta alias Santosh Aggarwal <u>Respondent:</u> Sonam Gadia	PENDING Unlisted

10. It is noted that the parties have decided to part ways and seek a decree of divorce by mutual consent. The payment of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the respondent-wife by the appellant-husband can be encashed which is in full and final settlement of all claims of the respondent-wife. There is no other dispute pending between the parties.

11. In the circumstances, on perusal of the joint application, we find that the terms and conditions are lawful and there is no legal impediment in accepting the same. Therefore, the terms and conditions which are pleaded in the application are accepted. The aforesaid cases which have been filed by the parties *inter se* stand quashed.

12. Consequently, the marriage between the parties, which was solemnized at New Delhi on 05.01.2021, is dissolved by a decree of divorce by mutual consent in exercise of our power under Article 142 of the Constitution of India and under Section 28 of the Special Marriage Act, 1954.

13. The Registry to draw up a decree in the aforesaid terms.

14. In view of the above, the impugned order dated 28.06.2024 stands set aside.

The appeal is disposed of in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

.....J.
(B.V. NAGARATHNA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
FEBRUARY 11, 2026

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). 9492/2024
[Arising out of impugned final judgment and order dated 28-06-2024
in CRR No. 2129/2024 passed by the High Court at Calcutta]

VIPIN GUPTA

Petitioner(s)

VERSUS

STATE OF WEST BENGAL & OTHERS

Respondent(s)

[MEDIATION REPORT RECEIVED]

(IA No. 153390/2024 - EXEMPTION FROM FILING O.T.

IA No. 226364/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 11-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYANFor Petitioner(s) Mr. Debmalya Ganguli, Adv.
Mr. Vikram Hegde, AOR

For Respondent(s) Ms. Nandini Sen Mukherjee, AOR

Mr. Nitish Banka, Adv.
Mr. Chand Qureshi, AOR
Mr. Lakhshay Manchanda, Adv.
Mr. Abhishek Sharma, Adv.
Ms. Sakshi Kumari, Adv.
Mr. Mohit Kumar Gupta, Adv.
Mr. Lokesh Bhaimad, Adv.
Mr. Mohammad Salman Siddiqui, Adv.
Ms. Tasleem Siddiqui, Adv.
M/S. Parekh & Co., AOR

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

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS(DIVYA BABBAR)
COURT MASTER (NSH)

(Signed order is placed on the file)