

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5395 OF 2017
(Arising out of S.L.P.(C) No.12540/2017
(CC.19072/2016))

Nitesh Gandhi .. Appellant(s)

Versus

Mohini Singh .. Respondent(s)

J U D G M E N T

KURIAN J.

Delay condoned.

Leave granted.

The petitioner-husband and respondent-wife are present before this Court today. Having regard to the background of the parties involving in so many litigations, they have now decided to settle the disputes amicably. The parties have filed the copy of Memorandum of Understanding as Annexure P-11. It is prayed that the appeal may be disposed of in terms of the Memorandum of Understanding.

The parties have also given in the Court an application in terms of the settlement for dissolution of their marriage by mutual consent and for quashing of the criminal cases.

We have gone through the pleadings and also the Memorandum of Understanding. We are convinced that for

securing the ends of justice, the cases between the parties are to be put to an end. Therefore, the proceedings in the following cases are quashed:

(I) Petition under Section 125 Cr.P.C. for seeking maintenance registered as Case No.133 of 2016 titled as Mohini vs. Nitesh Gandhi pending before the District & Sessions Judge, Gurgaon (Haryana).

(II) Petition under Section 12 of Domestic Violence Act registered as Case No.75 of 2016 titled as Mohini vs. Nitesh Gandhi & Ors. pending before the Hon'ble Chief Judicial Magistrate, Gurgaon (Haryana).

(III) FIR No.0171/2016 registered on 23.08.2016 at Police Station Women Police, Gurgaon u/s 498A/406/34/506/354 I.P.C.

As a part of the settlement, the appellant-husband has also handed over an amount of Rs.5 lakhs to the respondent-wife and the remaining amount of Rs.22.5 lakhs has been deposited with the Registry of this Court. The Registry is directed to hand over the said amount to the respondent-wife along with the accrued interest.

We have also perused the application for decree for divorce by mutual consent. Having regard to the background of the prolonged litigations between the parties, the settlement arrived through the intervention of the parents of both the appellant and the respondent and having interacted with the appellant and respondent who are present before us, we are of the view that this

is a fit case for invocation of Article 142 of the Constitution of India for doing complete justice between the parties. Accordingly, the application is allowed and the marriage between the appellant and respondent is dissolved by a decree of divorce by mutual consent.

The appeal is disposed of accordingly.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI,
APRIL 19, 2017.

ITEM NO.7

COURT NO.7

SECTION IVB

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)...../2017
CC No(s). 19072/2016

(Arising out of impugned final judgment and order dated 09/05/2016
in PN No. 133/2016 passed by the District Judge, family
Court, Gurgaon)

NITESH GANDHI

Petitioner(s)

VERSUS

MOHINI

Respondent(s)

(with appln. (s) for c/delay in filing SLP and office report)

Date : 19/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Ms. Meenakshi Arora, Sr.Adv.
Mr. Rajiv Bajaj, Adv.
Mr. Nischal Kumar Neeraj, Adv.
Mr. Umesh P. Wadhvani, Adv.
Mr. K.K. Gautam, Adv.

For Respondent(s) Mr. Venkata Subramanian T.R., Adv.
Mr. Kedar Nath Tripathy, Adv.

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

Leave granted.

The appeal is disposed of in terms of signed judgment.

The original copy of Joint Application on behalf of
petitioner and respondent for dissolution of marriage given in the
Court is taken on record.

(USHA BHARDWAJ)
AR-CUM-PS

(RENU DIWAN)
(ASSISTANT REGISTRAR)

Signed non-reportable judgment is placed on the
file.