

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS 1358-1359 OF 2019
(ARISING OUT OF SLP(CRL.) NOS.7937-7938 OF 2016)

POOJA ETC.

Appellant(s)

VERSUS

RAJENDER KUMAR @ RAJINDER ETC.

Respondent(s)

WITH

CONTEMPT PETITION (C) NOS. 1947-1948 OF 2017
IN
CRIMINAL APPEAL NOS. 1358-1359 OF 2019
(ARISING OUT OF SLP(CRL.) NOS.7937-7938 OF 2016)

O R D E R

Leave granted.

The parties have amicably settled their disputes and have recorded the settlement terms in the form of a settlement document tendered at the bar duly signed by the parties and their advocates dated 31.07.2019.

The same reads thus:

"Settlement Document

1. The monthly maintenance shall be fixed at Rs. 15,000/- payable to the petitioner wife i.e. Smt. Pooja by way of bank deposit/transfer in her account and shall be payable on or before 10th of every month.

2. That in addition to the above a sum of Rs. 5000/- per month shall be payable in the form of recurring deposit to be deposited in the joint account to be opened jointly in the following names:
 - i) Aman Kaushik
 - ii) Pooja
 - iii) Nishta Kaushik (minor)The same shall attain monthly and will become withdrawal in the following circumstances
 - i) The child attaining the age of 25 years.
 - ii) The child getting married before 25 years.
 - iii) In case of any emergency concerning the child, on the signed concurrence of both guardians.
3. The father/shall have visitation rights as per follows:
 - a) Every Friday from 3 p.m. to 3 p.m. Sunday, in the case Saturday is a school day from 3 p.m. Saturday to 3 p.m. Sunday. The father shall pick and drop the child.
 - b) Alternate birthday of the child.
 - c) With written concurrence of both guardians outside the scope of the above two points.
4. The wife shall vacate the house bearing nos. 1194, sector-5, Kurukshetra and hand over complete vacant physical possession to Shri Rajinder Kaushik on or before 30.08.2019. The respondents undertake to pay any and all arrears of maintenance before taking the physical possession of the above-mentioned house and the new maintenance scheme shall become payable after possession is taken.
5. The petitioner wife shall move an application to release the amount of Rs. 70,000/- logging deposited in Dist. Court Kurukshetra vide GRN No.003148698 the same shall be released to the petitioner wife after physical possession of the house is released to Shri Rajinder Kaushik.

6. The petitioner wife undertakes to withdrawn the D.V. Act complaint filed at Family Court Kurukshetra.
7. The present settlement deed is being signed by Shri Satyanarayan father of the petitioner wife and the petitioner wife shall file an affidavit affirming the terms of settlement within 3 weeks.

Aman Kaushik

Satya Narayanan

Rajinder Kaushik

New Delhi

Date: 31.07.2019"

The parties are inviting order in terms of the settlement recorded as above.

We are convinced that the parties have entered into Settlement Terms/Settlement Document with full understanding and without any duress or coercion. The parties have agreed to put an end to issue involved in this proceeding on terms recorded in the settlement document, which is taken on record and accepted.

The assurances given by the parties as recorded in the settlement document are accepted, as given to the

Court. The parties, through counsel, assure to comply with their obligations, without any exception.

In exercise of our powers under Article 142 of the Constitution of India, we deem it appropriate to quash the Complaint being Case No.216 of 2013 pending before the learned Chief Judicial Magistrate, Kurukshetra. We order accordingly.

While parting, however, learned counsel for the parties invited our attention to Clause 2 of the Settlement Document. It is pointed out that there is some technical issue raised by the bankers for opening a joint account, to be operated by more than one guardian. In the circumstances, the parties have agreed before us, through counsel and Shri Satya Narayanan (father of Pooja) and Shri Rajinder Kaushik (father of Aman), who are present in Court that a new joint account will be opened in the name of Pooja and Nishta Kaushik (minor) to be operated by the guardian - Pooja (appellant No.1 herein). The respondents undertake to open such account, to be operated by the sole guardian-Pooja within two weeks from today. That

assurance is accepted.

The amount of Rs. 70,000/- (Seventy Thousand Only) to be withdrawn by the appellant(s) in terms of Clause 5 of the Settlement Terms/Settlement Document, it is agreed that the same be adjusted towards the accruing maintenance amount.

The appeals and Contempt Petitions are disposed of in the above terms.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(DINESH MAHESHWARI)

New Delhi
September 04, 2019

ITEM NO.11

COURT NO.8

SECTION II-B

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). 7937-7938/2016

(Arising out of impugned final judgment and order dated 15-09-2016 in CRR No. 1980/2015 15-09-2016 in CRR No. 2829/2015 passed by the High Court Of Punjab & Haryana At Chandigarh)

POOJA & ANR.

Petitioner(s)

VERSUS

RAJENDER KUMAR @ RAJINDER & ANR.

Respondent(s)

(IA No. 16884/2016 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 133701/2017 - MODIFICATION OF COURT ORDER)

WITH

CONMT.PET.(C) No. 1947-1948/2017 in SLP(Crl) No. 7937-7938/2016 (II-B)

Date : 04-09-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

Counsel for the parties:

Mr. I.P.S. Kohli, Adv.
Mr. Abbula Kalam, Adv.
Mr. Abdul Quadir, Adv.
Mr. Dilshad Bohar, Adv.
Mr. Sunil Prem, Adv.
Mr. Satindra Balse, Adv.
Mr. Fuzail Ahmad Ayyubi, AOR
Mr. Shree Pal Singh, AOR

For Respondent(s)

Mr. Abhimanyu Tewari, Adv.
Ms. Eliza Bar, Adv.
Mr. Shree Pal Singh, AOR
Mr. Abhishek Agarwal, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The Appeals and Contempt Petitions are disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]