

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION(S) (CRIMINAL) NO(S). 195-196/2017

LABHYASHEEL SPEYA AND ORS. & ORS.

PETITIONER(S)

VERSUS

SONALI KANWAR & ANR.

RESPONDENT(S)

WITH

T.P.(C) No. 2367/2017

O R D E R

The parties have settled all the disputes between themselves. A joint application for this purpose is filed i.e. I.A. No. 158112 of 2018. In this application the terms on which the settlement is arrived at are mentioned which inter alia record as under:

"4. That inter alia, it is agreed between the parties that the Husband shall pay a total sum of Rs. 22,50,000/- (Twenty Two Lakhs Fifty Thousand) to the wife in full and final payment and on making this payment no claim of any nature whatsoever, either towards stridhan, jewelry, maintenance and past, present or future alimony etc. shall survive. The above said payment is being made through four Demand Drafts drawn on Axis Bank Limited, Shimla, payable to Ms. Sonali Kanwar at New Delhi being DD No. 033201 dated 15.10.2018 for Rs. 6 Lakhs (ii) DD No. 033205 dated 17.10.2018 for Rs. 6 lakhs (iii) DD No. 033210 dated 18.10.2018 for Rs. 6 lakhs and (Iv) DD No. 033211 dated 20.10.2018 for Rs. 4.5 lakhs

all drawn on Axis Bank, Shimla which is totalled as Rs.22.5 lakhs (Rupees Twenty Two Lakhs Fifty Thousand).

5. That it was also agreed that the parties shall file a joint motion before this Hon'ble Court for grant of divorce by mutual consent and for quashing of all pending proceedings in the Courts below between the parties to this dispute."

Both the parties are present in the Court and have affirmed that they have arrived at the aforesaid settlement without any coercion and undue influence from each other or any other persons and it is a voluntary settlement. They understand the implications of the settlement.

In terms of the settlement the husband - Labhaysheel Singh Speya is to pay a sum of Rs. 22.5 lakhs to the wife - Sonali Kanwar Speya. He has handed over the Demand Drafts in the aforesaid sum, particulars whereof are given in para extracted above. Both the parties also pray that this Court may grant decree of divorce by mutual consent thereby dissolving the marriage between them.

Having regard to the aforesaid, this Court passes the decree of divorce by mutual consent dissolving the marriage between the parties which took place in Shimla on 06.10.2013. We also quash the proceedings arising out of FIR No. 45 of 2017 dated 16.05.2017 under Sections 498A/406/34 IPC P.S. Crime (Women) Cell, Nanakpura, New Delhi. The petition filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 bearing No. 624322/2016 before the Ld. M.M. (Mahila Court) S.E.D., Saket Courts, Delhi stands dismissed. As a result the bank accounts and lockers,

particulars whereof are mentioned in para 11 of the terms of settlement shall be deseized by the competent authority.

The Transfer Petitions are disposed of accordingly.

.....J.
[A.K. SIKRI]

.....J.
[S. ABDUL NAZEER]

.....J.
[M.R. SHAH]

NEW DELHI;
JANUARY 09, 2019

ITEM NO.3

COURT NO.2

SECTION XVI-A

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

Transfer Petition(s) (Criminal) No(s). 195-196/2017

LABHYASHEEL SPEYA AND ORS. & ORS.

Petitioner(s)

VERSUS

SONALI KANWAR & ANR.

Respondent(s)

(I.A. NO. 77009/2018 IN T.P. (C)NO.2367/2017 ONLY TO BE LISTED)

WITH

T.P. (C) No. 2367/2017 (XVI-A)

(FOR CLARIFICATION/DIRECTION ON IA 26152/2018)

Date : 09-01-2019 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Ms. Priya Hingorani, Adv.
Mr. Nakul Pathania, Adv.
Mr. Sudhir Naagar, AOR

For Respondent(s) Mr. Manan Kumar Mishra, Sr. Adv.
Mr. Amit Vaid, Adv.
Ms. Anjul Dwivedi, Adv.
Mr. Anjani Kumar Mishra, AOR

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

The transfer petitions are disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR)
COURT MASTER (SH)

(RAJINDER KAUR)
BRANCH OFFICER

(Signed order is placed on the file)