

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 (Crl.) No(s). 5789/2020

(Arising out of impugned final judgment and order dated 05-02-2020 in SBCRMP No. 2782/2016 passed by the High Court Of Judicature for Rajasthan at Jodhpur)

KRISHAN LAL & ORS.

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.119165/2020-EXEMPTION FROM FILING O.T., IA NO.55820 OF 2021 - EXEMPTION FROM FILING O.T., IA NO.95574 of 2022 - EXEMPTION FROM FILING O.T. AND IA NO.154345 OF 2023 - JOINT APPLICATION FOR PLACING ON RECORD THE SETTLEMENT AGREEMENT)

Date : 18-08-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Pardeep Gupta, Adv.
Mr. Parinav Gupta, Adv.
Mrs. Mansi Gupta, Adv.
Mr. Shadab Khan, Adv.
Dr. (Mrs.) Vipin Gupta, AOR

For Respondent(s) Mr. Vikas Chaudhary, Adv.
Ms. Malini Jain, Adv.
Mr. Milind Kumar, AOR

Mr. R. Sathish, AOR
Mr. Bharat Swaroop Sharma, Adv.
Mr. Kulbhushan Arora, Adv.
Ms. Vijayshree, Adv.
Mr. Parag Sirohi, Adv.
Ms. Priya Sirohi, Adv.

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

Heard learned counsel appearing for the petitioner no.2-
Sharda Devi and petitioner no.3-Kamlesh, learned counsel appearing

for the State and learned counsel appearing for respondent no.2-Manisha. Respondent no.3-Pawan Kumar is personally present in the Court.

It is brought to our notice that petitioner no.1-Krishan Lal is no more.

Learned counsel for the petitioners has filed an application bearing I.A. No.154345 of 2023 for placing on record the Settlement Agreement dated 05.08.2023 entered into between respondent no.3-Pawan Kumar and respondent no.2-Manisha (Ex-wife of respondent no.3).

Learned counsel appearing for respondent no.2-Manisha accepts that the Settlement Agreement dated 05.08.2023 has been signed by respondent no.2-Manisha. Respondent no.3-Pawan Kumar appearing in-person also states that he has signed the aforesaid Settlement Agreement. There is no dispute that respondent no.2-Manisha has received a total sum of Rs.15,00,000/- (Rupees Fifteen Lakhs) in terms of the Settlement Agreement dated 05.08.2023 by way of two demand drafts. The case subject matter of this Special Leave Petition has arisen in the dispute between respondent no.3-Pawan Kumar and respondent no.2-Manisha. Now that dispute has been completely settled, we pass the following order in the Special Leave Petition:

(i) The Settlement Agreement dated 05.08.2023 is taken on record. Clauses (1) to (9) of the Settlement Agreement read thus:

"1) That as agreed upon between the parties, at the time of signing of the present Settlement Agreement, complete payment of Rs. 15,00,000/- is

being paid by the ex-husband Pawan Kumar, S/o. late Shri Krishan Lal - proforma respondent No.3 in favour of the wife Smt. Manisha-respondent No.2 by way of following two demand drafts:

i) D.D. No.985256 dated 15.05.2023 of Rs. 5,00,000/- drawn on State Bank of India, Drawee Branch: 19Z, Sri Ganganagar.,

ii) D.D. No.985383 dated 04.08.2023 of Rs. 10,00,000/- drawn on State Bank of India, Drawee Branch: Hanumangarh Road, Sri Ganganagar.

2) That by way of present Settlement Agreement all the Civil and Criminal cases as well as permanent alimony to the wife Smt. Manisha and daughter Kiana is being settled for all times to come along with clear-cut understanding that except the total amount of Rs. 15,00,000/- being paid in terms of the order dated 12.05.2023 of the Hon'ble Supreme Court of India, mentioned above, nothing left to be payable by the First Party to the Second Party.

3) The following three cases still pending between the parties will come to an end and will be treated dismissed as withdrawn:

i) Under the Domestic Violence Act, Case No. 548 of 2016 before the Court of Ld. ACJM-1, Sri Ganganagar (Rajasthan) and the next date of hearing is 07.06.2023.

ii) FIR No. 140 of 2016 dated 14.06.2016 "State vs. Pawan Kumar & Ors." under Sections 406, 498A IPC i.e. Case No. 1153 of 2021, which has been quashed on the basis of present settlement agreement, which is pending before the Court of Ld. CJM, Sri Ganganagar (Rajasthan) and the next date of hearing is 20.06.2023.

iii) Order of maintenance of Rs. 14,000/- passed under Section 125 Cr.P.C. by the Ld. Family Court, Sri Ganganagar (Rajasthan) will also come to an end and stand closed.

iv) Any other case pending between the parties will also come to an end and stand closed.

4) It is agreed between the parties that the First Party has paid total sum of Rs. 15 lakhs (Rupees Fifteen lakhs only) as consolidated and full and final amount against all the claims (past, present and future) of the Second party and/or any dues of her family members which shall also include all claims of Stridhan, past, present and future maintenance of Smt. Manisha and daughter Kiana, their medical expenses, education expenses, higher education expenses, marriage expenses of daughter and any other type of expenses/claims including above existing or that arise in future and permanent alimony, residence right and all other claimed and unclaimed dues.

5) After this settlement agreement, both parties shall be treated to have amicably settled and satisfied all their disputes, claimed and unclaimed rights towards Stridhan, permanent alimony and maintenance, residence right etc. towards herself as well as all the rights/claims towards daughter Kiana and further they will not claim anything under any law from the husband or any of his family members over and above the said amount in future after dissolution of this marriage. This amount shall be paid by the first party to the second party.

6) The minor daughter Kiana, aged about 9 years shall remain in the exclusive care and custody of the second party (wife), who shall take full responsibility of supporting and doing good care of the child in all respects and she will be the sole guardian of the child in the future as well. It is further agreed between both the parties that their family members, relatives or any other person on their behalf shall not file any complaint or claim against each other or their friend or relative in future. First Party willingly submits that he or any of his family members will have no access or visitation rights to the child.

7) That in terms of present settlement agreement, the parties have settled all their claims in respect of all the properties movable or immovable and neither of the parties shall have any claim, right, title or interest over any income or property, movable or immovable of any nature against each other, whether self-acquired, ancestral or HUF either presently owned or to be owned in future by any mode and relinquish all

their claim, rights, title or interest, if any against each other and there shall be no further claim or demand against each other.

8) That both the parties shall make a joint prayer that the present settlement agreement is made a part of the order of the Hon'ble Supreme Court of India.

9) Upon the completion of terms of this settlement agreement parties will be left with no dispute in future in any manner whatsoever pertaining to this matrimonial alliance. The parties agree that they, their family members, friends, relatives etc. etc. shall not interfere in the personal and professional lives of other party and will not use any medium (including print, RTI), social circle, digital, audio-video platform, social media, facebook, twitter etc.) to defame each other."

(ii) In view of the Settlement Agreement dated 05.08.2023, we quash the proceedings of the following three cases:

- i. Case No.548 of 2016 pending before the Court of ACJM-1, Sri Ganganagar, Rajasthan;
- ii. Case No.1153 of 2021 pending before the Court of CJM, Sri Ganganagar, Rajasthan; and
- iii. Criminal Miscellaneous Petition No.291 of 2016 pending before the Family Court, Sri Ganganagar, Rajasthan.

The Special Leave Petition is accordingly disposed of.

Pending applications stand disposed of.

A copy of this order shall be forwarded to the concerned Courts in which the aforesaid three cases are pending so as to enable the concerned Courts to record disposal of those proceedings.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)