

(2009) 11 SC CK 0027

In the Supreme Court Of India

Case No : Transfer Petition (Criminal) No. 27 of 2009 and Transfer Petition (C.)
No. 342 of 2009

Harpreet Singh Popli and Others

APPELLANT

Vs

Manmeet Kaur Popli and Another
Manmeet Kaur Vs
Harpreet Singh

RESPONDENT

Date of Decision : 10-11-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125
Hindu Marriage Act, 1955 — Section 13B, 13B(2)

Citation : (2009) 3 ACR 3434 : (2010) 1 DMC 11 : (2009) 14 SCALE 113

Hon'ble Judges : R. V. Raveendran, J;G. S. Singhvi, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. By this order, we are disposing of the aforementioned transfer petitions, one of which has been filed by the husband, Shri Harpreet Singh Popli and his relatives for transfer of criminal case arising out of FIR No. 443/2008 pending in the Court of Chief Judicial Magistrate, Meerut and the other has been filed by the wife, Smt. Manmeet Kaur for transfer of divorce case being H.M.A. Petition No. 51 of 2009, pending in the Court of District Judge, Tis Hazari Courts, Delhi to Family Court, Meerut.

2. Shri Harpreet Singh Popli and Smt. Manmeet Kaur were married at Delhi on 26.8.2007. They have no issue from the marriage. Within few months of the marriage, serious differences arose between the husband and wife, which led to filing of several civil and criminal proceedings, the details of which are set out hereunder:

Proceedings initiated by the wife:

i. FIR being No. 443/2008 (Crime No. 564/2008) dated 30.10.2008, registered in the Police Station Kankar Khera, Meerut, U.P., pending before the Chief Judicial

Magistrate, Meerut, Uttar Pradesh on the complaint of petitioner, against the respondent and his family members;

ii. Proceedings u/s 125 Cr.P.C., being Application No. 514 of 2008, titled as "Manmeet Kaur v. Harpreet Singh", pending in the Family Court, Meerut, U.P.;

iii. Proceedings under Domestic Violence Act being Application No. 997/9/2008, titled as "Manmeet Kaur v. Harpreet Singh", pending in the Court of ACJM(4), District Courts, at Meerut, U.P.;

iv. Complaints filed with Delhi Commission for Women, dated 13.01.2009 and 02.02.2009;

v. Complaint dated 30.01.2009, filed with Chief Minister, Delhi and Department of Law, Justice and Legislative Affairs, Govt. of NCT of Delhi, against the father of the respondent;

vi. Complaint dated 28.01.2009, written to Senior Police Officials, against the respondent and his family members; and

vii. Transfer Petition being T.P.(Civil) No. 342 of 2009, titled as "Manmeet Kaur v. Harpreet Singh" before the Hon"ble Supreme Court of India.

Proceedings initiated by the husband:

i. Transfer Petition being T.P.(Criminal) No. 27 of 2009, titled as "Harpreet Singh and Ors. v. Manmeet Kaur and Ors." Before the Hon"ble Supreme Court of India; and

ii. Divorce proceedings being H.M.A. No. 51 of 2009 titled as "Harpreet Singh v. Manmeet Kaur" before the Tis Hazari Courts, Delhi.

3. During the pendency of these petitions, the parties filed I.A. No. 3/2009 with the prayer that the transfer petitions be disposed of in terms of the compromise/settlement arrived at between them on 13th June, 2009 and the criminal proceedings arising out of FIR No. 443/2008 (Crime No. 564/2008) pending in the Court of Chief Judicial Magistrate, Meerut may be quashed. A photostat copy of the deed of settlement/compromise deed dated 13th June, 2009 has been filed with the I.A. and marked as Annexure-A. After some time, the parties filed two more applications being I.A. No. 5/2009 and I.A. No. 6/2009. In I.A. No. 5/2009, which is supported by the affidavits of the husband and wife, an additional prayer has been made for quashing of all the proceedings between the parties. I.A. No. 6/2009 is an application u/s 13B of the Hindu Marriage Act, 1955 (for short 'the Act') for dissolution of marriage by mutual consent. The same is also supported by the affidavits of the husband and wife.

4. We have heard learned Counsel for the parties and perused the record of the two transfer petitions and I.A. Nos. 3 to 6 which, as mentioned above, are supported by the affidavits of the husband and wife. It is an agreed position that in terms of the deed of settlement/compromise deed dated 13th June, 2009, the

husband has paid a sum of Rs. 13,50,000/- to the wife towards full and final settlement by way of permanent alimony/maintenance etc. It is also agreed that the parties have handed over articles mentioned in Schedules I and II attached with Annexure-A.

5. Keeping in view the fact that there is no chance of reconciliation between the parties and it is not possible for them to live together as husband and wife and also the fact that they have amicably settled all their disputes and are keen to put a quietus to all litigations between them so that they may live peacefully hereafter, we deem it proper to entertain their joint prayer for grant of a decree of divorce by mutual consent and also for quashing the proceedings initiated by the wife.

6. Accordingly, H.M.A. Petition No. 51 of 2009, pending on the file of the District Judge, Tis Hazari Courts, Delhi is withdrawn to this Court and a decree of divorce by mutual consent is passed in terms of Section 13B of the Act by waiving the requirement of six months period specified in Sub-section (2) thereof.

7. The proceedings initiated by the wife, i.e. cases arising out of (i) FIR No. 443/2008 (Crime No. 564/2008) dated 30th October, 2008 pending in the Court of Chief Judicial Magistrate, Meerut, U.P., (ii) Application No. 514/2008 titled Manmeet Kaur v. Harpreet Singh u/s 125 Cr.P.C. pending in the Family Court, Meerut, U.P., (iii) Application No. 997/9/2008 titled Manmeet Kaur v. Harpreet Singh, under the Domestic Violence Act, 2005, pending in the Court of Additional Chief Judicial Magistrate (4), Meerut, U.P., (iv) Complaints filed with the Delhi Commission for Women dated 13.1.2009 and 2.2.2009 (v) Complaint dated 30.1.2009 filed with the Chief Minister, Delhi and Department of Law, Justice and Legislative Affairs, Govt. of NCT of Delhi and (vi) Complaint dated 28.1.2009 made to the Senior Police officials against the husband and his family members are quashed.

8. The transfer petitions are accordingly disposed of.