

(2008) 04 SC CK 0157

In the Supreme Court Of India

Case No : Civil Transfer Petition (Civil) No. 375 of 2006

Julita Nirmal Chandra Nayak

APPELLANT

Vs

Nirmal Chandra Nayak

RESPONDENT

Date of Decision : 15-04-2008

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125

Citation : (2008) 1 OLR 835

Hon'ble Judges : G. S. Singhvi, J;B. N. Agrawal, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Heard learned Counsel for the parties.

It has been stated that during the pendency of this petition, M.C. Case No. 1072 of 2008, titled as Nirmal Chandra Nayak v. Julita Nirmal Chandra Nayak, has been filed before the Family Court, Bangalore, within the State of Karnataka, for granting a decree for divorce. In the present transfer petition, a petition has been filed in which it has been stated that all the disputes between the parties have been settled; as such, a mutual consent divorce decree be granted in the aforesaid suit and criminal prosecution be quashed, apart from releasing the jewellery. In view of this, M.C. Case No. 1072 of 2008, titled as Nirmal Chandra Nayak v. Julita Nirmal Chandra Nayak, pending before the Family Court, Bangalore, within the State of Karnataka, is transferred to this Court and the same is, accordingly, disposed of in terms of the compromise, which shall form part of order of this Court.

2. It is directed that criminal prosecution of the respondent in Case No. 1229/PW/2005 arising out of F.I.R. (Cr.) No. 143 of 2005, registered at Kalachowki Police Station, Mumbai, which is pending in the Court of Metropolitan Magistrate, 15th Court at Muzgaon, Mumbai, within the State of Maharashtra, is hereby quashed and Application No. E-352 of 2005, pending before the Family Court,

Bandra, Mumbai, within the State of Maharashtra, u/s 125 of the Indian Penal Code stands withdrawn. It is directed that the jewellery and other items, which were seized by the police and are lying in the Court of Metropolitan Magistrate, 15th Court, Muzgaon, Mumbai, within the State of Maharashtra, are directed to be released in favour of the wife unconditionally. Demand Draft for a sum of Rupees twelve lakhs by way of permanent alimony has been made over in Court by learned Counsel appearing on behalf of the respondent to the learned Counsel appearing on behalf of the wife.

The transfer petition is, accordingly, disposed of.