

(2009) 02 SC CK 0257

In the Supreme Court Of India

Case No : Criminal Miscellaneous Petition No. 13897 of 2008 in Criminal Appeal No. 1080 of 2008

Minakshi Gaur

APPELLANT

Vs

Chitranjan Gaur and Another

RESPONDENT

Date of Decision : 06-02-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125

Citation : AIR 2009 SC 1377

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.
2. The petition filed by the wife Smt. Minakshi Gaur u/s 125 of the Code of Criminal Procedure, 1973 was dismissed by Family Court, Agra. That order was confirmed by the High Court in Criminal Revision No. 222 of 2005. Criminal Appeal No. 1080 of 2008 arising out of the SLP filed against the order of the High Court was disposed of by this Court on 14th July, 2008, directing the husband to pay maintenance at the rate of Rs. 5,000/- per month from 1st November, 1998 till 31st July, 2008 in installments. The current and future amount of maintenance were also directed to be paid by 15th day of the following month.
3. After sometime, the husband, Chitranjan Gaur filed Criminal Miscellaneous Petition No. 13897 of 2008 for recall of order dated 14th July, 2008. During the pendency of that petition, the parties have settled all their disputes and grievances and filed compromise petition.
4. We have gone through the compromise petition. In our view, the compromise is lawful. Accordingly, while maintaining our order dated 14th July, 2008, granting leave, we recall other portions of that order and disposed of the criminal miscellaneous petition and the appeal in the following terms:

- (a) The husband has agreed to pay to the wife a sum of Rs. 2,60,000/- by way of permanent alimony, out of this Rs. 60,000/- have already been paid. For the balance amount of Rupees two lakhs, two Banker's cheque drawn in favour of the wife have been made over by learned Counsel appearing on behalf of the husband to the learned Counsel appearing on behalf of the wife in court today.
- (b) Prosecution of husband-Chitranjan Gaur and others in case 2743 of 1998 titled State v. Chitranjan Gaur and Ors. pending in the Court of Chief Judicial Magistrate, Agra, within the state of Uttar Pradesh, is quashed.
- (c) Prosecution of husband-Chitranjan Gaur in Case No. 474 of 2006, pending in the Court of Judicial Magistrate-III, Bareilly, Uttar Pradesh, is quashed.
- (d) Prosecution of husband-Chitranjan Gaur in Case No. 12740 of 2006, pending in the Court of First Additional Chief Judicial Magistrate, Agra, within the state of Uttar Pradesh, is also quashed.
- (e) Prosecution of wife-Minakshi Gaur and others in Case No. 1000 of 2000, pending in the court of Special Chief Judicial Magistrate, Agra, within the State of Uttar Pradesh, is also quashed.
- (f) Criminal Miscellaneous Application No. 4250 of 2002, Criminal Miscellaneous Application No. 534 of 2006 and Criminal Miscellaneous Application No. 20600 of 2007, pending before the Allahabad High Court shall stand disposed of.
- (g) First Appeal No. 613 of 2003, titled as Meenakshi Gaur v. Chitranjan Gaur, pending before the Allahabad High Court, shall stand withdrawn as infructuous.