

(2011) 10 DEL CK 0005

In the Delhi High Court

Case No : Criminal M.C. No. 3582 of 2010

Sujoy Chatterjee

APPELLANT

Vs

Lipika Chatterjee

RESPONDENT

Date of Decision : 24-10-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 340
Penal Code, 1860 (IPC) — Section 191, 193, 199, 200

Citation : (2011) 10 DEL CK 0005

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Anu Bagai, for the Respondent

Judgement

Suresh Kait, J.—Learned counsel for the respondent/applicant submits that vide the instant petition, the applicant-Lipika Chatterjee initially prayed to institute inquiry against the non-applicant - Sujoy Chatterjee u/s 340 Criminal Procedure Code for the commission of offences punishable u/s 191, 193, 199 and 200 Indian Penal Code and make a complaint for the prosecution of non-applicant upon conclusion of such inquiry.

2. Thereafter, vide order dated 26.10.2010, while dismissing the appeal preferred by the non-applicant, both the parties were directed to remain present in the Court.

3. Vide order dated 05.04.2011, both the parties were directed to appear before the Mediation and Conciliation Centre, Delhi High Court, New Delhi. Both the parties entered into amicable settlement before the Mediation and Conciliation Centre, Delhi High Court, New Delhi on 25.05.2011, which is as under:-

6. The following settlement has been arrived at between the Parties hereto:

a) The respondent has agreed to pay the balance of Rs.7,50,000/- from the sale of the property part owned by the petitioner which was sold earlier. The respondent has today i.e. 25.05.2011 paid to the petitioner a sum of

Rs.5,00,000/- in cash and the balance Rs.2,50,000/- by cheque No.109696 dated 25.05.2011 payable at Anadhra Bank, New Delhi in full and settlement of above.

b) In lieu of the claim by the petitioner for return of her jewellery which the respondent has stated was stolen, the respondent agrees to pay a sum of Rs.15,50,000/- through post dated cheques as follows:-

S. No.

Cheque No.

Date

Amount (In Rs.)

Drawn on

1

111363

10.06.2011

1,50,000/-

Andhra Bank.

2

037672

02.07.2011

2,00,000/-

Andhra Bank.

3

037673

07.08.2011

2,00,000/-

Andhra Bank.

4

037674

07.09.2011

2,00,000/-

Andhra Bank.

5

037675

07.10.2011

2,00,000/-

Andhra Bank.

6

001275

07.11.2011

2,00,000/-

Andhra Bank.

7

001274

07.12.2011

4,00,000/-

Andhra Bank.

c) In view of the above settlement, both parties who have been living separately since 2004 mutually agree willingly and in sound mind to annul their marriage by mutual consent.

d) It is also agreed between the parties that on the full and final realisation of the post dated cheques given by the respondent to the petitioner by December 2011, the petitioner agrees to withdraw the perjury case bearing No.3582/2010 against the respondent pending in Delhi High Court.

4. Ms.Lipika Chatterjee - applicant is present with her counsel and submits that she has amicably settled all the issues against non-applicant - Sujoy Chatterjee. She further submits that she has received all the above post dated cheques, therefore, he does not wish to pursue further her present petition.

5. Keeping the settlement dated 25.05.2011, before the Mediation and Conciliation Centre, Delhi High Court instant petition is allowed to be withdrawn as settled.

6. Non-applicant Sujoy Chatterjee present in person in the Court and submits that he is running a business of "car-rental" and he is earning substantially, therefore, he wishes to donate some amount for the under-privileged children / poor women.

7. I appreciate his gesture & accordingly, direct him to deposit a sum of ` 1.00 lac

in favour of "Ashiana" "Orphan Age Home for Boys-II", Alipur, Delhi within two weeks from today and proof thereof shall be placed on the record.

8. Further directed to initially keep this amount in FDR for a period of three years. The interest accrued thereon shall be utilised for the well being of the needy children of the school. The said FDR shall be got renewed periodically.

9. Accordingly, Criminal M.C.No.3582/2010 is disposed of in above terms.

10. In view of above, Criminal M.A.No.851/2011 renders infructuous and stands disposed of as such.

11. Dasti.