

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) No.412 OF 2024

PAYAL MAKWANA

... PETITIONER

Versus

PUNEET SHARMA

... RESPONDENT

O R D E R

1. The petitioner-wife seeks transfer of H.M.A. Petition No.2320/2023, titled as ""Puneet Sharma vs. Payal Makwana", filed by the respondent-husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955 for dissolution of marriage by way of a decree of divorce. The above-stated petition is pending before the Principal Judge, Family Court at Meerut, Uttar Pradesh and the petitioner-wife seeks transfer thereof to the Principal Judge, Family Court, Udaipur, Rajasthan.

2. The marriage between the parties was solemnized on 07.12.2020. Unfortunately, due to temperamental differences, the parties could not live together and it appears that they separated somewhere in June, 2023. There are allegations and counter allegations, which in our considered opinion, are not required to be gone into in light of the subsequent events referred to hereinafter.

3. With a view to explore the possibility of an amicable settlement of the matrimonial dispute, on a joint request made on behalf of the parties, vide the order dated 03.04.2024, the matter was referred to the Supreme Court Mediation Centre. The parties

were, accordingly, directed to appear before the Supreme Court Mediation Centre where they have settled their matrimonial dispute and a Settlement Agreement dated 09.07.2024, which is duly signed by the parties, their counsel and the learned Mediator, has been executed.

4. With regard to the Settlement Agreement, we have interacted with the parties. The petitioner-wife has appeared online whereas the respondent-husband is present in person. Both have testified that they have executed the Settlement Agreement with their free will and consent.

5. Pursuant to the Settlement Agreement, the parties have moved a joint application invoking powers of this Court under Article 142 of the Constitution with the following prayers:

"a) Allow the present application and pass a decree of divorce dissolving the marriage of the petitioner and respondent; and/or

b) Pass an order disposing off all the pending matters mentioned in para 5 of the application.

c) Pass an order quashing F.I.R. No. 25/2024 Registered at P.S. Mahila Police Station, Udaipur under Section 498 A and 406 of IPC filed by Payal Makwana against Puneet Sharma & Ors.

d) Pass such order or further order(s) as deemed fit and proper to this Hon'ble court under the facts and circumstances of the present application."

6. As per the Settlement Agreement, the respondent-husband has agreed to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs) to the petitioner-wife, out of which Rs.5,00,000/- (Rupees Five Lakhs) was transferred into her bank account on 22.07.2024. The balance amount of Rs.10,00,000/- (Rupees Ten Lakhs) has been paid

to the petitioner-wife today through NEFT. The petitioner-Payal Makwana is present online and has acknowledged the receipt of the same. In this manner, the respondent-husband has paid the agreed amount of Rs.15,00,000/- (Rupees Fifteen Lakhs) to the petitioner-wife. The parties have agreed that the cases pending between them shall be withdrawn in terms of the Settlement Agreement. We find from the details of those cases that there are two criminal cases, the first being (i) FIR No.25/2024, registered at Mahila Police Station, Udaipur, under Sections 498A and 406 IPC. The FIR has been lodged on the complaint made by the petitioner against the respondent and others. In view of the settlement arrived at between the parties, the above-stated FIR and all the proceedings arising therefrom are hereby quashed.

7. The second is Cr.Misc.Case No.1027/2024, which is a complaint filed under Sections 12, 19, 20 and 23(2) of the Protection of Women from Domestic Violence Act, 2005, titled as "Payal Makwana vs. Puneet Sharma", pending before the Additional Chief Judicial Magistrate, Udaipur. In view of the settlement arrived at between the parties, the said complaint and all the proceedings arising therefrom are hereby quashed.

8. The parties have further agreed for the dissolution of their marriage by way of a decree of divorce by mutual consent. Keeping in view the fact that the parties have parted ways and are living separately since June, 2023, we are satisfied that it is a fit case to grant a decree of divorce by mutual consent by invoking our powers under Article 142 of the Constitution. Ordered accordingly. The marriage between the parties is, accordingly,

dissolved by granting a decree of divorce by mutual consent.

9. As a consequence thereof, H.M.A. Petition No.2320/2023, titled as ""Puneet Sharma vs. Payal Makwana", filed by the respondent-husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955, for dissolution of marriage by way of decree of divorce, which is pending before the Principal Judge, Family Court, Meerut, Uttar Pradesh has been rendered infructuous and the same stands disposed of as such.

10. As an abundant precaution, it is clarified that if there is any criminal or civil case pending between the parties, the same shall be deemed to have been rendered infructuous and the parties shall not proceed with the same in any manner.

11. The parties shall abide by the terms and conditions of the Settlement Agreement dated 09.07.2024. The Settlement Agreement shall form part of this order.

12. The Transfer Petition and the Interlocutory Application stands disposed of accordingly.

.....J.
(SURYA KANT)

.....J.
(DIPANKAR DATTA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
AUGUST 07, 2024.

ITEM NO.3

COURT NO.4

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G STransfer Petition(s)(Civil) No(s).412/2024

PAYAL MAKWANA

Petitioner(s)

VERSUS

PUNEET SHARMA

Respondent(s)

IA No.37016/2024 - EX-PARTE STAY

Date : 07-08-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Kaustubh Anshuraj, AOR

For Respondent(s) Mr. Puneet Singh Bindra, Adv.
Ms. Charu Modi, Adv.
Mr. Sachin Sharma, Adv.
Mr. Rishabh Gupta, Adv.
Mr. Shubham Chandra, Adv.
Mr. Puneet Singh Bindra, AORUPON hearing the counsel the Court made the following
O R D E RThe Transfer Petition and the Interlocutory Application
stands disposed of in terms of the signed order.(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR(PREETHI T.C.)
ASSISTANT REGISTRAR

(Signed order is placed on the file)