

Commodore Vimal Kumar and ors. Vs. Ruchi Rastogi and anr.

Commodore Vimal Kumar and ors. Vs. Ruchi Rastogi and anr.

SooperKanoon Citation : sooperkanoon.com/677265

Court : Supreme Court of India

Decided On : Apr-29-2008

Reported in : JT2008(4)SC596; 2008(6)SCALE584; 2008AIRSCW5361; JT2008(4)SC596.

Judge : Tarun Chatterjee and; Harjit Singh Bedi, JJ.

Acts : Hindu Marriage Act, 1956 - Sections 13B; Code of Criminal Procedure (CrPC) - Sections 406; [Constitution of India](#) - Article 142

Appeal No. : Transfer Petition (Crl.) No. 59 of 2007 and T.P. (Civil) Nos. 568/2006 and 783/2007

Appellant : Commodore Vimal Kumar and ors.

Respondent : Ruchi Rastogi and anr.

Advocate for Def. : B. Dutta, ASG, ; Rajni Hori Lal, ; D.S. Mahra and ;

Advocate for Pet/Ap. : A.S. Pundir,; Sanjeev Sahai,; D.N. Goburdhan,;

Judgement :

ORDER

1. This matter has arisen out of a Petition filed by the husband against the wife under Section 406 of the Criminal Procedure Code for transfer of case arising out of FIR No. 257/2004 lodged at Police Station New Ashok Nagar, Delhi and

Criminal Case No.178/2004 from the Karkardooma Courts (Delhi) to the competent Courts at New Mumbai (Maharashtra). On notice the parties have appeared before us and with the intervention of the Court and during the pendency of these proceedings, the parties have compromised their disputes. A copy of terms of the compromise has also been put on record by way of an application (Crl. Misc. Petition No. 5771/2008). As per the terms of this compromise deed dated 15th March 2008, all the litigations pending in various courts inter-se the parties are to be disposed of. We accordingly take on record the deed of compromise. In view of the compromise and in exercise of our authority under Article 142 of the [Constitution of India](#), we withdraw all the litigations (except the matrimonial petition pending in the Court at Panwel [Maharashtra]) to this Court and pass orders in terms of the compromise thus ending all litigations inter-se. We also direct the parties to move an application under Section 13B of the Hindu Marriage Act, 1956 before the appropriate Court which shall take up the matter on a priority basis and dispose of the same in terms of the compromise. We further clarify that no further claim shall remain to be settled inter-se the parties. The present application is accordingly disposed of in the above terms.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com