

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL/CRIMINAL APPELLATE JURISDICTION

TRANSFER PETITION (C) No. 3 OF 2015

SMT. (DR) RASHMI RHAINA Petitioner(s)

VERSUS

DR. VIKRAM SHARMA Respondent(s)

WITH

SPECIAL LEAVE PETITION (CRL.) NO. 4823 OF 2015

WITH

SPECIAL LEAVE PETITION (CRL.) NO. 5980 OF 2015

O R D E R

This is a case where the parties, who are fairly well educated and professionally well settled, have been fighting for quite long on account of their matrimonial discord.

Thanks to the intervention of the Court, we are happy that the parties were able to at least reach a realization that it is in their better interest to part as friends instead of continuing to fight as enemies. Thus, on 28.04.2017, this Court passed the following order :-

"Both the petitioner and the respondent are present in Court today.

It appears that the settlement can be fully worked out in August, 2017 since the ophthalmic instrument, for some peculiar

reasons, can be returned only in August, 2017.

However, the respondent-Dr. Vikram Sharma has handed over the papers of the car to his wife Dr. Rashmi Rhaina in Court today. He says that it is open to any authorised person to come to his house and take the car.

Dr. Vikram Sharma has undertaken to hand over the ophthalmic instrument on 31.08.2017, either to the petitioner-Dr. Rashmi or to a duly authorised person.

Dr. Rashmi has named Mr. Prabhat Kumar Roy, her maternal uncle, who will take the car and the ophthalmic instrument from the house of the respondent. Let it be so.

Dr. Vikram Sharma has also handed over a Demand Draft for an amount of Rs. 60,00,000/- (Rupees Sixty Lacs) to the petitioner-Dr. Rashmi in Court.

The details of the Demand Draft are as follows :-

DD No.	Drawn on	In the name of	Amount
391710	State Bank of India, Patna	Rashmi Rhaina	Rs. 60,00,000/- (Rupees Sixty Lacs)

Since the major part of the agreement has been worked out, in order to meet the ends of justice, we are of the view that the criminal proceedings in Cr1. Complaint Case No. 11820 of 2014 filed before the Chief Judicial Magistrate, Dhanbad, need not be continued. Ordered accordingly and the proceedings are quashed.

List the petitions on 01.09.2017."

Today, both the husband and the wife are present before us. They have also filed an application under Section 13B of the Hindu Marriage Act and made a request before this Court to invoke our jurisdiction under Article 142 of the Constitution of India.

Having regard to the background of the parties, having regard to the litigation which the parties have been pursuing for quite long, and having regard to the fact that the parties have been living separately ever since 2003, we are of the view that it is not required for the parties now to seek the regular recourse before the Family Court for a divorce by mutual consent. Accordingly, the joint application filed by the petitioner - Dr. Rashmi Rhaina and the respondent - Dr. Vikram Sharma is taken on record.

In view of the above, invoking our jurisdiction under Article 142 of the Constitution of India, the marriage between the petitioner - Dr. Rashmi Rhaina and the respondent - Dr. Vikram Sharma is dissolved by way of a decree of divorce by mutual consent.

In view of the order passed, as above, Divorce Petition No. 695 of 2013 on the file of the Family Court, Patna shall stand struck off. The Registry will communicate a copy of this order to the Family Court, Patna forthwith.

In view of the above, the Transfer Petition is disposed of.

Since the criminal cases between the parties have been otherwise quashed, nothing survives in the Special Leave Petitions. Hence, SLP (Crl.) 4823 of 2015 and SLP (Crl.) 5980 of 2015 are dismissed.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
September 01, 2017.

CORRECTED

ITEM NO.6

COURT NO.5

SECTION XVI -A

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 S

Transfer Petition(s) (Civil) No(s). 3/2015

SMT. (DR) RASHMI RHAINA

Petitioner(s)

VERSUS

DR. VIKRAM SHARMA

Respondent(s)

WITH

SLP(Cr1) No. 4823/2015 (II-A)

SLP(Cr1) No. 5980/2015 (II-A)

Date : 01-09-2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Vikash Singh, Sr. Adv.
Mr. Venkatesh, Adv.
Mr. Varun Singh, Adv.
Ms. Deepeika Kalia, Adv.
Mr. Lakshmi Raman Singh, AOR

For Respondent(s) Mr. Devashish Bharuka, AOR
Ms. Anu Tyagi, Adv.
Ms. Himanjali Gautam, Adv.

Mr. Akshat Shrivastava, AOR
Ms. Pooja Shrivastava, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Transfer Petition is disposed of and the Special Leave Petitions are dismissed in terms of the signed order.

Pending interlocutory applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)

PS. : Joint Application (in original) filed by the parties is annexed with this signed order.