

**IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION**

**TRANSFER PETITION (CRL.) NO. 569 OF 2022**

MANPREET KAUR PETITIONER(S)

VERSUS

HARJYOT SINGH RESPONDENT(S)

WITH

**SPECIAL LEAVE PETITION (CIVIL) NO. 8806 OF 2024**

HARJYOT SINGH BHALLA PETITIONER(S)

VERSUS

MANPREET KAUR RESPONDENT(S)

**ORDER**

**T.P.(Crl.) No. 569 of 2022:**

1. The present petition was filed by the petitioner-wife to transfer a criminal complaint, being Court Case No.431 of 2021 filed by the respondent-husband from the Court of the Metropolitan Magistrate, Mahila Court-01, Saket District Court, Delhi to the Court of Chief Metropolitan Magistrate, Chandigarh.
2. The petitioner and the respondent entered into matrimony on 13<sup>th</sup> March, 2011, as per Hindu rites and customs, whereafter they resided together at New Delhi. Over the time, relations between the parties deteriorated leading them to proceed with their separate lives. Amongst other proceedings, the petitioner filed an application under Section 12 of the Protection of Women against Domestic Violence Act, 2005 on 24<sup>th</sup> March, 2014, which was registered as CC Case No.37 of 2014. Subsequently,

another case was filed on 19<sup>th</sup> December, 2014 under Section 12 of the Hindu Marriage Act, 1956 for annulment of marriage.

3. The Respondent-husband filed the criminal complaint, subject matter of the present Transfer Petition on 3<sup>rd</sup> March, 2021. Notice was issued thereon, on 2<sup>nd</sup> January, 2023.

4. During the pendency of this petition, attempts have been made to resolve their differences as reflected from the proceedings of this Court dated 13<sup>th</sup> December, 2023, 4<sup>th</sup> April, 2024, 24<sup>th</sup> April, 2024, 8<sup>th</sup> May, 2024 and 10<sup>th</sup> May, 2024.

5. *Vide* Order dated 8<sup>th</sup> May, 2024, the Court recorded the terms of settlement which were arrived between the parties and observed that the cases filed against each other shall remain stayed subject to further orders. Relevant extract of the order is as below: -

“(1) An amount of Rs.4 crores in lump sum towards one time full and final settlement, past, present or future, with respect to permanent alimony, stridhan, maintenance, residence rights/ share in the property etc., has been agreed, which shall be paid by the respondent (husband) to the petitioner (wife).

(2) Out of the said amount, a sum of Rs.1.25 crores shall be deposited with the Registry of this Court on or before 10.05.2024 in the name of Registrar (Admn.), Supreme Court of India. The amount so deposited shall be kept in a short term Fixed Deposit of a nationalized Bank, subject to further orders of this Court.

(3) The remaining amount of Rs.2.75 crores shall be paid in two installments before 31<sup>st</sup> August, 2024. The first installment of Rs.1.25 crore shall be deposited on or before 15<sup>th</sup> July, 2024 and the second installment of Rs.1.5 crore will be deposited on or before 31<sup>st</sup> August, 2024 with the Registry of this Court.”

On 10<sup>th</sup> May, 2024, in the proceedings, it was recorded that the terms as specified in the previous order would form part of the Memorandum of Understanding between

the parties. The relevant terms of the Memorandum of Understanding are reproduced as under:

- “4.1 All complaints made by the Second Party or the Fourth Party against the First Party on the administrative side of the High Court of Delhi if any shall be deemed to have been withdrawn. Any counter allegations in the Replies filed by the First Party to those complaints shall also be deemed to have been withdrawn. No further complaints or communications against the First Party shall be made to the High Court of Delhi by the Second Party and the Fourth Party.
- 4.2 Apart from the proceedings mentioned hereinabove, if there are any other proceedings initiated by the parties which are not within the knowledge of the other party, those shall also stand withdrawn/quashed as the case may be.
5. That upon dissolution of marriage and disposal of all pending cases, the Hon’ble Supreme Court shall release the amount deposited by the First and/or Third Parties in favour of the Second Party, along with accrued interest thereupon.
6. The parties hereby undertake not to initiate any further proceedings against each other including pertaining to their personal, professional or family lives. The parties further undertake not to interfere in each other’s lives and not to raise any other or further claims.
7. The Second Party agrees to hand over the keys of premises D-22, Saket Court Complex on 13.05.2024 (13<sup>th</sup> May, 2024), and the car (Volkswagen Polo bearing No. DL-10CC-0274) on 10.05.2024 (10<sup>th</sup> May, 2024) to the First Party.
8. The parties will continue to be bound by decree dated 04.06.2021 in FAO (OS) No.19/2021 before the High Court of Delhi. The parties agree not to use the CCTV footage as provided in paragraph 22 of the said Order.
9. This settlement is made in five (5) sets in original and all the five sets shall be treated as original and the parties to this settlement shall retain one original each and the fifth original will be filed before the Hon’ble Supreme Court.”

6. As is evident from the above, the matter was headed towards an amicable resolution. However, the same went downhill, when despite the stay orders of this Court, officials of the Police entered the home of the petitioner’s father on 27<sup>th</sup> July,

2024 at Chandigarh. Aggrieved thereby, an Interlocutory Application bearing IA No. 171507 of 2024 came to be filed. The following prayers were sought thereby:

“A) Allow the present application and thereby direct the Commissioner of Police, Delhi to suspend all action in relation to the Non-Cognizable Report 04 dated 24.03.3034 and pending investigation in Special Cell, Lodhi Road, Delhi Police for the offences punishable under Section 506 IPC; and

B) Take appropriate steps against the Respondent and any person who is related or connected with the Respondent in relation to the willful and deliberate violation of the orders passed by this Hon’ble Court; and

C) Pass other such or further orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

7. On 12<sup>th</sup> August 2024 taking note of the IA, this Court passed the following Order-

“Prima facie, we find that the order passed by this Court is violated, therefore, it is necessary to ask the explanation of the Judge namely, Ms. Nabeela Wali, Chief Judicial Magistrate, Patiala House Courts, New Delhi, (through the District and Sessions Judge, Patiala House Courts, New Delhi) as to how after the suspension of the proceedings in NCR 04/24.03.2024, reports have been sought, for which the police officers visited the house of the petitioner at Chandigarh for their arrest. We further ask response from Sub Inspector Mr. Hemant and Head Constable Ms. Poonam who are working under the control of Mr. R.P. Upadhaya, Special Commissioner of Police, Special Cell, Delhi Police. Notice be issued to them as well as to the Court concerned during the course of the day by email by the Registry of this Court, who may file explanation/response by 13th August, 2024.”

8. In compliance with the said order the learned judges explained that this Court’s order dated 8<sup>th</sup> May, 2024 was not brought to their attention. The concerned Investigating Officer only informed them of the same subsequently, on 31<sup>st</sup> July 2024. Despite the same, the case was again listed before the concerned courts for further proceedings on 27<sup>th</sup> August 2024 and further explanation was sought in this regard.

9. The Magistrates, as also, the police officials have, in compliance, filed affidavits dated 30<sup>th</sup> August, 2024 showing their regret for any errors on their part. This court is satisfied that this misadventure by the authorities involved was unintentional, and as such, the explanations and regret tendered, are accepted. We clarify that the same shall not form part of their service record, for any purpose, whatsoever.

10. Reverting to the issue of settlement as recorded in the proceedings dated 08.05.2024 and looking to the settlement agreement, we have heard learned counsel and the parties present in the Court. The parties have been identified by their respective counsel. It is informed by the counsel for the respondent that a sum of Rs. 4 crores have already been deposited and lying with the Registry in a fixed deposit. Therefore, requested accepting the terms of the settlement and allowing the application filed seeking decree of divorce by mutual consent, appropriate orders may be passed.

11. We have interacted with the parties present in the court. They are well educated and law knowing persons and connected to the legal profession. Both the parties have voluntarily stated that the marriage has irretrievably broken down however, accepting the terms of the settlement, the decree of divorce by mutual consent may be passed. It is further contended by them that the directions may be issued, whereby the parties may not be allowed to create any hinderance by themselves or by any one else to their professional, family and personal life. In case of interreference made by any one, the stringent conditions may be put in the order.

12. Having considered the submissions of the counsels and interaction with the parties, we dispose of this Transfer Petition with the following directions:

- (i) Memorandum of Understanding/Settlement dated 10.5.2024 entered *inter se* the parties is accepted, as also the terms recorded in the order dated 08.05.2024 of this Court and shall bind both the parties and it be read as part of this order.
- (ii) The amount of Rs. 4 crores, deposited by the respondent and lying with the registry, shall be released in favour of the petitioner with accrued interest on furnishing the details of bank account by her to the Registry.
- (iii) The marriage solemnised between the parties is hereby dissolved by mutual consent in exercise of power under Article 142 of the Constitution and in consequence, the parties are free to live as per their own wish.
- (iv) Further, the parties have agreed to refrain from bothering as also not to intimidate directly or indirectly, each other personally or professionally and their respective families. Still further, considering the fact that both parties are associated with the legal profession, they have agreed on maintaining confidentiality except otherwise as may be required by law.

- (v) All proceedings *inter se* the parties concerning the matrimonial dispute, wheresoever pending, shall be deemed to have been quashed or disposed of and shall be consigned to record of the Court concerned.
- (vi) The parties have also agreed that they will abide the terms of Memorandum of Settlement dated 10.05.2024, order dated 08.05.2024 and today’s order of this Court. Therefore, we direct that the parties shall strictly adhere to the terms of the settlement and the orders of this Court, otherwise, it shall be treated as non-compliance of the directions of this Court.
- (vii) Registry is directed to draw a decree of divorce by mutual consent in the above terms.

13. Pending application(s), if any, shall stand disposed of

**SLP (C) No. 8806 of 2024**

In view of the disposal of Transfer Petition (Crl) No. 569 of 2022, nothing survives to be decided on merit in the present special leave petition. Hence, this Special Leave Petition is disposed of as having become infructuous.

..... J.  
[ J.K. MAHESHWARI ]

.....J.  
[ SANJAY KAROL ]

**New Delhi;  
September 02, 2024.**

ITEM NO.302

COURT NO.8

SECTION II-C

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)(Criminal) No(s). 569/2022

MANPREET KAUR

Petitioner(s)

VERSUS

HARJYOT SINGH

Respondent(s)

(IA No. 171507/2024 - APPLICATION FOR PERMISSION, IA No. 130931/2022 - EX-PARTE STAY, IA No. 41886/2024 - PASSING APPROPRIATE ORDER OR DECREE UNDER ARTICLE 142 OF THE CONSTITUTION, IA No. 73782/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 42687/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ ANNEXURES)

WITH

SLP(C) No. 8806/2024 (IV-B)

Date : 02-09-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE SANJAY KAROL

Counsel for the  
parties

Ms. Aishwarya Bhati, ASG  
Ms. Chitrangda Rastravara, Adv.  
Mr. Jagdish Chandra Solanki, Adv.  
Ms. Shreya Jain, Adv.  
Mr. Abhinav Aggarwal, Adv.  
Mr. M. K. Maroria, Adv.

Mr. Siddharth Dave, Sr. Adv.  
Mr. Pratham Mehrotra, Adv.  
Ms. Aakriti Priya, Adv.

Mr. P S Patwalia, Sr. Adv.  
Mr. Hrishikesh Baruah, Adv.  
Mr. Rudraksh Kaushal, Adv.  
Mr. Anurag Mishra, Adv.  
Mr. Hrishikesh Baruah, AOR

Mr. Salman Khurshid, Sr. Adv.  
Mr. Shoaib Khan, Adv.  
Mr. A. K. Ansari, Adv.  
Mr. Yasir Wali, Adv.

Mr. Vipin Sanghi, Sr. Adv.  
Mr. Yashraj Singh Deora, Sr. Adv.  
Mr. Harshvardhan Jha, Adv.  
Mrs. Yugandhara Pawar Jha, AOR  
Mr. Aman Pathak, Adv.  
Ms. Sonal K. Chopra, Adv.  
Mr. Priyesh Mohan Srivastava, Adv.  
Mr. Sumeet Mishra, Adv.  
Mr. Harjyot Singh Bhalla, 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 Petition is disposed of as infructuous in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

**(JAYANT KUMAR ARORA)**  
**ASTT. REGISTRAR-cum-PS**

**(ANU BHALLA)**  
**COURT MASTER**

**(Signed order is placed on the file)**