

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

**CRIMINAL APPEAL NO(S).2802 OF 2024
(ARISING OUT OF S.L.P. (CRIMINAL) NO(S).2302/2024)**

DEVRAJ & ANR.

APPELLANT(S)

VERSUS

STATE OF U.P. & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. A copy of the Settlement Agreement dated 25th April, 2024 is placed on record. The Settlement Agreement has been signed by appellant no.1, respondent no.2 and respondent no.3 as well as by their respective learned counsel. The Settlement Agreement is duly signed by the learned Mediator attached to the Supreme Court Mediation Centre.

3. Respondent no.2 - Manoj Kumar and respondent no.3 - Jyoti are husband and wife. The marriage between respondent no.2 - Manoj Kumar and respondent no.3 - Jyoti was solemnized on 27th April, 2009. From the year 2010, they have been residing separately. As stated in the Settlement Agreement, so far, eight proceedings have been filed in different Courts arising out of the matrimonial dispute. Now, with the intervention of the learned Mediator attached to the Supreme Court Mediation Centre, the parties have decided to settle their disputes.

4. It is pointed out that in a divorce petition filed by respondent no.3-wife before the Family Court, an ex-parte decree of divorce on the ground of cruelty has been passed on 12th April,

2022. Since respondent nos. 2 and 3 have arrived at a settlement and have agreed to withdraw the allegations made against each other, it will be appropriate if the said ex-parte decree of divorce is set aside and by exercise of jurisdiction under Article 142 of the Constitution of India, a decree of divorce is passed by mutual consent.

5. The learned counsel appearing for the respondent no.2 - husband has handed over a demand draft bearing No.000040 dated 5th July, 2024 issued by the Bank of India in a sum of Rs.3,15,000/- (Rupees Three Lakh Fifteen Thousand) to the learned counsel appearing for the petitioners. The learned counsel appearing for the petitioners has handed over the said demand draft to petitioner no.1, who is the father of respondent no.3 - wife, who is present in the Court. Petitioner no.1 has agreed to hand over the said demand draft to respondent no.3.

6. Accordingly, we dispose of this Criminal Appeal by passing the following order:

- i. The ex-parte decree of divorce passed on 12th April, 2022 by the Family Court at Bulandshahr in Divorce Petition No.1048/2019 is hereby set aside;
- ii. The marriage between respondent no.2 - Manoj Kumar and respondent no.3 - Jyoti solemnized on 27th April, 2009, is hereby dissolved by a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955;
- iii. Criminal Appeal Defective No.165/2021 pending in

the High Court of Judicature at Allahabad is hereby allowed and the conviction and sentence of the respondent no.2-husband in Crime No.311/2010 under Sections 498A, 323, 34 and 506 of IPC in Bulandshahr, Uttar Pradesh, is hereby quashed and set aside;

iv. Case Crime No.541/2010 titled as 'State of U.P. vs. Manoj Kumar & Ors.' under Sections 147, 420, 467, 468, 471, 120B, 323, 506 of IPC pending before the Court of the learned ACJM-1, Aligarh, Uttar Pradesh and all the proceedings arising therefrom, are hereby quashed and set aside;

v. Case No.77/2011 titled as 'Jyoti vs. Manoj Kumar' pending before the learned Principal Judge, Family Court, Bulandshahr, Uttar Pradesh, is hereby disposed of;

vi. Case No.278/2018 titled as 'Jyoti vs. Manoj Kumar' pending before the learned Principal Judge, Family Court, Bulandshahr, Uttar Pradesh, is hereby disposed of;

vii. Complaint Case No.222/2013 titled as 'Manoj Kumar vs. Devraj & Ors.' pending before the Court of the learned Civil Judge, Junior Division, Khair, District Aligarh, Uttar Pradesh, is hereby quashed;

viii. Petition No.37/2020 filed before the Court of the learned Civil Judge, Bulandshahr, Uttar Pradesh, is hereby disposed of and all orders passed therein are hereby set aside;

ix. Criminal Misc. Writ Petition (CRLP) No.1804/2013 titled as 'Smt. Roomali Devi vs. State of U.P. & Ors.' pending before the High Court of Judicature at Allahabad, stands disposed of;

x. Clauses 1 to 11 of the Settlement Agreement read thus:

"1. The petitioners, Shri Devraj and his son, Shri Gulshan had approached the Supreme Court by way of the SLP (Crl) No. 2302/2024 against the final judgment and Order dated 16.10.2023 of the Allahabad High Court in Crl. Appeal No. 36019/2023.

2. The Hon'ble Supreme Court was pleased to direct that Ms. Jyoti D/o Devraj Singh be added as a party to the present petition and she was arrayed as Respondent No. 3 on 09.02.2024.

3. That the respondent No. 2 and 3 resided together as husband and wife till 25.02.2010, and thereafter disputes and differences arose between the parties and since then she is staying with her parents at Village Gesupur District Bulandshahar Uttar Pradesh. The respondent No. 3/wife filed Divorce Petition No. 1048 of 2019, and the Ld. Family Court passed ex-parte Decree in favour of Respondent no.3 i.e. Jyoti on 12.04.2022. Therefore Respondent no.2 and Respondent no.3 are not husband and wife from 12.04.2022.

4. After mediation conducted on 09.04.2024 (Physical), 15.04.2024 (Hybrid, wherein the Mediator and Advocates were present physically) and on 25.04.2024 (physical), the parties came into an understanding that due to the matrimonial discord between the Respondent No. 2 and Respondent No. 3 certain cases had been filed by parties from both the sides over the years, and in some judgments/orders had been delivered but they were at appellate stages:

5. Whereas the Parties have filed following cases against each other:-

(i) State of UP Vs. Manoj Kumar arising from case crime no. 311/2010 under section 498A, 323, 34 and 506 of IPC in Bulandshahar, UP. In this matter Ld. Trial Court acquitted the Respondent

No. 2, Manoj Kumar but Ld. Session Judge sentenced 6 month imprisonment to Manoj Kumar being aggrieved by the order, the said Manoj Kumar or Respondent no.2 preferred Crl. Appeal Defective No. 165 of 2021 which is pending before the Hon'ble High Court of Allahabad.

(ii) Case crime no. 541 of 2010, State of U.P vs. Manoj kumar & ors, pending in Aligarh, stage -Trial, U/s 147,420,467,468,471,120B,323,506 IPC.

(iii) Case No. 77/2011, Pending in Bulandshahar, titled - Jyoti vs Manoj Kumar, under section 125 of Cr.P.C for maintenance.

(iv) Case no. 278/2018, pending in Bulandshahar, titled as Jyoti vs Manoj Kumar, under section 127 of Cr.P.C for increasing maintenance.

(v) Complaint case no. 222/2013, titled as Manoj kumar vs. Devraj & Ors pending in Khair, Dist. Aligarh, UP, under section 323, 392, 506 IPC. Against the same, the present Petitioners had preferred a Crl. Appeal No. 36019 of 2023 and thereafter preferred the present SLP which is pending in Supreme Court.

(vi) Divorce Petition No. 1048 of 2019, and the Ld. Family Court passed ex-parte Decree in favour of Respondent no.3 i.e. Jyoti on 12.04.2022. Therefore Respondent no.2 and Respondent no.3 are not husband and wife from 12.04.2022.

(vii) An exparte Order dated 22.10.2020 was passed in the Domestic violence case bearing Petition No. 37/2020 by the Civil Judge, Bulandshahar, UP against Respondent No. 2 and his family members. The petitioner and Respondent No. 3 do not wish to pursue the implementation/execution of the aforesaid Order and the reliefs granted therein.

(viii) Criminal Misc. Writ Petition (CRLP) 1804/2013 Smt Roomali Devi (since deceased) vs. State of UP & Ors. is also pending before the Hon'ble High Court of Allahabad.

6. Both the parties hereto have arrived at an amicable settlement on the following terms and conditions for dissolution of marriage by mutual consent:-

A. It is agreed between the parties that they will move an application jointly before the Hon'ble Supreme Court under Article 142 of Constitution of India on or before 24.07.2024 alongwith copy of the Demand Draft, for invoking inherent powers of the Hon'ble Supreme Court praying for quashing of all matters/FIRs between the parties and their family members as mentioned in Para 5 hereinabove. The parties also agree that if any other matter/cases/complaints are pending between the parties herein above they should also similarly quashed.

B. That the parties have agreed that the Respondent No. 2 will pay to the Respondent No. 3 a total sum of Rs. 3,15,000/- (Rupees Three Lacs Fifteen Thousand Only) by Demand Draft upon the Hon'ble Supreme Court choosing to exercise its discretionary power under Article 142 to quash all pending matters between the parties and the said payment will be towards full and final settlement of all her claims towards her permanent alimony, Stridhan, maintenance (past, present, future) and any other claim whatsoever.

7. That the Petitioners and the Respondents have agreed that none of them will initiate any other legal action or complaint against each other or against the family members of each other in respect of their matrimonial dispute in future.

8. That subject to the aforesaid terms, the parties have resolved all the disputes amicably in relation to the marriage and have been left with no claims against each other or their respective family members.

9. That by signing this Agreement the parties hereto solemnly state and affirm that they have no further claims or demands against each other including maintenance, or any movable or immovable property and all the disputes and differences have been amicably settled by the parties hereto through the process of mediation.

10. The parties undertake to abide by the terms and conditions set out in the above mentioned Settlement Agreement, which have been arrived with free will of the parties without any coercion, duress or collusion and parties undertake not to

raise any dispute whatsoever henceforth.

11. The contents of this settlement - agreement have been explained to all the parties through their respective counsels and they have understood the same."

The aforesaid clauses shall be incorporated in the decree.

xi. A decree in terms of this order shall be drawn within a maximum period of one month from today.

xii. This Criminal Appeal is disposed of on the above terms.

7. We record our appreciation for the reasonable stand taken by the parties and their respective learned counsel and the role played by the learned Mediator.

.....J.
(ABHAY S. OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
JULY 08, 2024.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2302/2024

(Arising out of impugned final judgment and order dated 16-10-2023 in Misc. Application u/s 482 bearing No. 36019/2023 passed by the High Court of Judicature at Allahabad)

DEVRAJ & ANR.

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(MEDIATION REPORT RECEIVED)

(IA No. 28330/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

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

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Durga Dutt, AOR
Mr. Amrendra Chaubey, Adv.
Mr. Rajeev Kumar, Adv.
Mr. Pradeep Yadav, Adv.
Ms. Rashi Verma, Adv.

For Respondent(s) Ms. Ruchira Goel, AOR

Mr. Ratish Kumar Sharma, AOR
Mr. Narender Kumar Rathi, Adv.

Mr. Priyanshu Upadhyay, AOR
Mr. Viraat Tripathi, Adv.
Mr. Abeer Gobind Shandilya, Adv.
Mr. Akash Bansal, Adv.
Mr. Gangesh Kumar Jha, Adv.
Mr. Aditya Bhatt, Adv.

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

Leave granted.

The Appeal is disposed of in terms of the signed order.

Pending application stands disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]