

CASE NO.:
Transfer Petition (civil) 457 of 2006

PETITIONER:
ARCHANA

RESPONDENT:
VIMALENDRA PAL SINGH BHADAURIA

DATE OF JUDGMENT: 08/02/2008

BENCH:
H.K. SEMA & MARKANDEY KATJU

JUDGMENT:
JUDGMENT

O R D E R
TRANSFER PETITION (C) NO. 457 OF 2006

In this transfer petition settlement has been arrived at between the husband and wife.

The terms of settlement is taken on record. In view thereof, the Divorce Petition No.A 1363/2006 pending before Court No.2 of Family Court, Bandra, Mumbai has become infructuous. Respondent-husband states before us that he would not press the divorce petition.

The other problem is with regard to the pendency of Sessions Case No.127/2007 under Section 315/498A/406 of IPC corresponding to FIR No.157/2007. It appears that the aforesaid Section is not compoundable. However, in view of the judgment of this Court in B.S. Joshi & Ors. Vs. State of Haryana & Anr., AIR 2003 SC 1386 and keeping in view the facts and circumstances of this case that the aforesaid complaint was filed out of a dispute between the husband and wife, we quash the FIR. Consequently, trial before Sessions Judge shall stand terminated.

Transfer Petition is disposed of in the above terms.