

Court No. - 39

Case :- FIRST APPEAL No. - 483 of 2019

Appellant :- Mallika Gupta

Respondent :- Neeraj Varshney

Counsel for Appellant :- Mahesh Sharma, Anil Kumar Verma

Counsel for Respondent :- Rohit Shukla, Rahul Sahai

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Vinod Diwakar, J.

1. Heard Sri G.S. Chauhan, Advocate, holding brief of learned counsel for the appellant and Sri Rohit Shukla, learned counsel for the respondent.

2. Present appeal has been filed under Section 19 of the Family Courts Act, 1984, arising from the order dated 06.04.2019 passed by the Principal Judge, Family Court, Jhansi in Petition No. 257 of 2014 (Neeraj Varshney Vs. Smt. Mallika Gupta). By that order, the learned court below has dissolved the marriage between the parties under Section 13 of the Hindu Marriage Act, 1955. By that common order, the learned court below also rejected the application moved by the present appellant under Section 125 Cr.P.C.

3. Learned counsel for the respondent informs, besides the above two proceedings, there was a third proceeding under the Protection of Women from Domestic Violence Act, wherein vide order dated 07.06.2018, interim maintenance @ Rs. 25,000/- per month had been awarded against the respondent. Arising therefrom Criminal Revision No. 1940 of 2018 is still pending before this Court.

4. In the above backdrop, a written compromise is disclosed to have been reached between the parties on 19.12.2020. A copy of the same has been annexed to the withdrawal application. Perusal of the same reveals, subject to payment of Rs. 28 lakhs (in all) by the respondent to the appellant, the present appellant agreed to withdraw the present proceeding and the parties have

agreed that the marriage between them shall stand dissolved in terms of the order passed by the learned court below. Further, the appellant will not press further either any proceeding arising from 125 Cr.P.C. or her complaint lodged under the Protection of Women from Domestic Violence Act and that she will not institute or press any other civil or criminal proceeding against the respondent.

5. Thus, it is agreed between the parties that the respondent may seek appropriate relief in the pending Criminal Revision No. 1940 of 2018 to which the appellant has no objection. As to payment, it is further agreed Rs. 15 lakhs is described to have been paid up to the appellant at the time of settlement dated 19.12.2020 being drawn. The balance amount Rs. 13 lakhs has been paid over to the appellant by means of Demand Draft No. 461477 dated 07.12.2023 drawn in favour at Canara Bank, Mathura. The same has been handed over to the learned counsel for the appellant.

6. In view of the above, no dispute survives. Accordingly, the withdrawal application no. 4 of 2022 is **allowed**. Consequently, the present appeal is **dismissed as withdrawn**, subject to compliance of the compromise reached between the parties.

Order Date :- 11.12.2023
Abhilash

(Vinod Diwakar, J.) (S. D. Singh, J.)