[2024] 7 S.C.R. 942 : 2024 INSC 530

Kiran Jyot Maini
v.
Anish Pramod Patel

(Criminal Appeal Nos. 2915-2918 of 2024)

15 July 2024

[Vikram Nath* and Prashant Kumar Mishra, JJ.]

Issue for Consideration

Long-standing separation between the parties, multiple prolonged litigations pending adjudication, several failed attempts at reconciliation. Issue was as regards interim maintenance however, in view of irretrievable break down of marriage, marriage between the appellant-wife and respondent-husband was dissolved in exercise of powers under Article 142 of the Constitution of India. Amount of permanent alimony to be paid by the respondent to the appellant.

Headnotes†

Constitution of India – Article 142 – Exercise of powers under – Dissolution of marriage in view of its irretrievable break down – Parties cohabited for less than a year and were living separately for last nine years – Grave allegations of cruelty, hurt and dowry demands made by the appellant-wife against the respondent-husband – Multiple civil/criminal proceedings pending – Failed attempts of reconciliation:

Held: Inherent powers to dissolve a marriage under Article 142 are exercised where the Court finds that the marriage is dead, unworkable, beyond repair, emotionally perished and has thus irretrievably broken down, even though no grounds for divorce as provided in the applicable law are made out in the facts of the case – In the present case, the marriage between the parties has completely broken down – Parties have also mutually agreed that they have no intention of continuing their union as husband and wife – Orders and judgments of the courts below set aside – Marriage between the parties dissolved and the decree of divorce granted in exercise of powers under Article 142. [Paras 15, 18, 20, 34]

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* Author

Maintenance – Permanent alimony – Grant of – Marriage between the parties dissolved in exercise of powers under Article 142 of the Constitution of India – Respondent-husband working as the Vice President of a bank earned more than Rs. 5 Lakhs per month as net salary whereas appellant-wife had a salary of Rs.1,39,000/- per month – Appellant demanded Rs. 5 to 7 Crores as one-time settlement, the respondent offered to pay Rs. 50 Lakhs:

Held: Both the parties have high standards of living, which the appellant-wife continued to enjoy after their separation as well – Though both of them are well qualified and gainfully employed, the respondent earns approximately five times the monthly income of the appellant – Respondent has certain obligations towards three dependants, his own expenses, and certain bank loans, but he also evidently has the financial capacity to maintain his former wife – He has the legal obligation as also the financial capacity to maintain his wife after dissolution of marriage – Award of maintenance or permanent alimony should not be penal but should be for the purposes of ensuring a decent living standard for the wife – Keeping in view the social and financial status of the parties, their current employments as well as future prospects, standards of living, and their obligations, liabilities, and other expenses, respondent to pay Rs.2 Crores towards permanent alimony to the appellant within the time stipulated. [Paras 30, 32-34]

Maintenance – Permanent alimony – Fair amount of – Law as regards adjudication and determination of one-time settlement – Factors to be considered – Discussed.

Case Law Cited

Hitesh Bhatnagar v. Deepa Bhatnagar [2011] 6 SCR 118 **: (2011) 5 SCC 234;** *Ashok Hurra v. Rupa Bipin Zaveri* [1997] 2 SCR 875 **: (1997) 4 SCC 226;** *Shilpa Sailesh v. Varun Sreenivasan* [2023] 5 SCR 165 **: (2022) 15 SCC 754;** *Vinny Paramvir Parmar v. Paramvir Parmar* [2011] 9 SCR 371 **: 2011 (13) SCC 112;** *Vishwanath Agrawal v. Sarla Vishwanath Agrawal* [2012] 7 SCR 607 **: (2012) 7 SCC 288;** *Rajnesh v. Neha and Another* [2020] 13 SCR 1093 **: (2021) 2 SCC 32 – relied on.**

Manish Jain v. Akanksha Jain [2017] 3 SCR 702 **: (2017) 15 SCC 801;** *Shailja & Anr. v. Khobbanna* **(2018) 12 SCC 199;** *Sunita Kachwaha & Ors. v. Anil Kachwaha* **(2014) 16 SCC 715 – referred to.**

List of Acts

Constitution of India; Penal Code, 1860; Dowry Prohibition Act, 1961; Protection of Women from Domestic Violence Act, 2005; Code of Criminal Procedure, 1973.

List of Keywords

Article 142 of the Constitution of India; Inherent powers to dissolve a marriage under Article 142 of the Constitution of India; Irretrievable break down of marriage; Marriage completely broken down; Dissolution of marriage; Marriage dissolved in exercise of powers under Article 142 of the Constitution of India; Decree of divorce granted in exercise of powers under Article 142 of the Constitution of India; One-time settlement in matrimonial disputes; Maintenance; Permanent alimony; Fair amount of permanent alimony; One-time settlement; Matrimonial disputes; Separation;Reconciliation failed; Interim maintenance; Allegations of cruelty, hurt and dowry demands; Social and financial status of the parties.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal Nos. 2915-2918 of 2024

From the Judgment and Order dated 01.12.2023 of the High Court of Delhi at New Delhi in CRLMC No.406 of 2023 and CRLMA No. 4294, 4907 and 17294 of 2023

With

Criminal Appeal Nos. 2919 - 2922 of 2024

Appearances for Parties

Gaurav Bhatia, Sr. Adv., Pawanshree Agrawal, Utkarsh Jaiswal, Advs. for the Appellant.

Sameer Kumar, Adv. for the Respondent.

Kiran Jyot Maini v. Anish Pramod Patel

Judgment / Order of the Supreme Court

Judgment

Vikram Nath, J.

CRL. APPEAL NOS……/2024@ SLP(CRL.) NOS.672-675/2024:

1. Leave granted.

2. The present appeals arise out of the impugned order dated 01.12.2023 passed by the Delhi High Court in CRL.M.C. 406/2023 & CRL.M.A. 4294/2023, CRL.M.A. 4907/2023, CRL.M.A. 17294/2023, whereby the Court has directed the respondent to pay only 20% of the total arrears of interim maintenance granted by the Additional Sessions Judge, Gautam Budh Nagar to the appellant in appeals before it. The present appeals also challenge the rejection of the appellant's prayer for attachment of bank account of the respondent and payment of the complete arrears of Rs. 65,00,000/- (Rupees Sixty-Five Lakhs only), as on date of the impugned judgement, towards interim maintenance.

3. The factual background of the present case is that the marriage between the appellant -wife and the respondent-husband was solemnized on 30.04.2015 and, within one year, on 13.04.2016 FIR No.34/2016 was registered on the basis of the complaint made by the appellant-wife at Police Station Mahila Thana, Gautam Budh Nagar, U.P. under Sections 498A/323/504 of Indian Penal Code, 1860[1] and Sections 3/4 of Dowry Prohibition Act, 1961.[2] In respondent's Criminal Miscellaneous Writ Petition before the Allahabad High Court seeking stay on arrest and quashing of FIR, vide order dated 06.05.2016 the High Court referred the parties to mediation and thereby granted stay on arrest of the respondent. The Writ Petition was subsequently dismissed on merit vide order dated 22.09.2016.

4. Appellant thereafter preferred Application No. 4622 of 2016 under Section 12 of the Protection of Women from Domestic Violence Act, 2005[3] before Judicial Magistrate, Gautam Budh Nagar, wherein an application seeking interim maintenance had also been filed by her

1 In short, "IPC"

2 In short, "Act, 1961"

3 In short, "PWDV Act"

under Section 23 of the PWDV Act. The Judicial Magistrate, vide order dated 10.05.2018, directed the respondent to pay interim maintenance of Rs. 35,000/- (Rupees Thirty-Five Thousand Only) to the appellant. Both the parties challenged this order through two separate appeals before the Additional Sessions Judge, Gautam Budh Nagar. Vide order dated 01.02.2019, the Additional Sessions Judge modified the order of the Judicial Magistrate and directed the respondent to pay Rs.45,000/- per month to the appellant and Rs.55,000/- per month to her daughter. The appeal preferred by the respondent was dismissed.

5. Aggrieved by the order of interim maintenance, the respondent preferred an Application bearing No. 12860/2019 under Section 482 of the Code of Criminal Procedure, 1973.[4] before the High Court of Allahabad and the matter was again referred to mediation vide order dated 09.04.2019. The mediation between the parties failed on 06.07.2019 and the appellant preferred a Criminal Application No. 41/2019 under Section 31(1) of PWDV Act against the respondent for non-compliance of order dated 01.02.2019 i.e. for non-payment of interim maintenance. Summons were issued by the Court of learned Additional Civil Judge, Third, Gautam Budh Nagar. The summons were challenged by the respondent before the High Court of Allahabad through Application No. 33533/2019 under Section 482 of CrPC. Vide order dated 16.09.2019, the summons were stayed and vide order dated 13.12.2019, the High Court of Allahabad directed expeditious disposal of application of appellant under Section 12 of PWDV Act pending before the Judicial Magistrate as there was no stay operating in the proceedings.

6. Upon application made by the respondent, the proceedings in Application No. 4622 of 2016 under Section 12 of PWDV Act and Criminal Application No. 41/2019 under Section 31(1) of PWDV Act were transferred to Tis Hazari Courts, Delhi vide order dated 13.08.2021 passed by this Court. Case No. 41/2019 was registered at Delhi as Case No. 882/2022 and Case No. 4622/2016 was registered as Case No. 691/2022. Notices were issued to the parties on 04.04.2022 by the Mahila Court, Tis Hazari, Delhi. In the meantime, the High Court of Allahabad vide order dated 14.03.2023 dismissed

4 In short, "CrPC

the applications filed by the respondent under Section 482 Cr.P.C. being Application No. 33533/2019 and Application No. 12860/2019 as infructuous on the statement made by his counsel. Respondent preferred a Criminal Revision Petition and a Criminal Miscellaneous Application before the High Court of Delhi which were registered as Criminal Revision Petition No. 298 of 2023 and Criminal Miscellaneous Case No. 1951 of 2023, respectively, praying for similar reliefs as before and challenging the orders of interim maintenance.

7. The appellant filed a petition under Article 227 of the Constitution of India read with Section 482, Cr.P.C. seeking appropriate directions including attachment of the accounts of the respondent, in the cases pending before the Mahila Court, Tis Hazari, Central, New Delhi, and the same was registered as Criminal Miscellaneous Case No. 406 of 2023. Vide order dated 08.05.2023, the High Court of Delhi disposed of the Miscellaneous Application file by the appellant in the petition and directed the respondent to pay 10% of the total arrears of interim maintenance due till 31.12.2022, that is, 10% of Rs. 52,95,000/- as immediate interim relief to the petitioner therein within a period of fifteen days from the date of the order.

8. In the proceedings before the Mahila Court at Tis Hazari, Delhi, the above order of the High Court was modified and the Court directed the respondent to pay Rs. 2 Lakhs to the appellant within twenty-four hours and remaining amount of Rs. 3,92,500/- (Rupees Three Lacs Ninety-Two Thousand and Five Hundred Only) before 09.06.2023.

9. The High Court of Delhi while finally disposing of the appellant's petition under Article 227 along with criminal revision and the miscellaneous application filed by the respondent, directed the respondent to pay 20% of the total arrears of interim maintenance to the petitioner therein, that is, 20 % of 65,00,000/- (Rupees Sixty-Five Lakhs only) within a period of twenty days. The High Court further rejected the appellant's prayer for attachment of the respondent's bank accounts and for payment of complete arrears of maintenance as on the date of the judgment, towards interim maintenance granted to the appellant vide order dated 01.02.2019 passed by the Additional Sessions Judge, Gautam Budh Nagar in Appeal Nos.39 & 62 of 2018. The High Court further directed the Metropolitan Magistrate, Mahila Court, Central District, Tis Hazari Court to decide the quantum of the interim maintenance amount payable monthly by the respondent to

the appellant in the case pending before it within three months, after taking into consideration income affidavit of both the parties. This order is challenged before us by the appellant wife on the ground that the respondent husband has disregarded the order of interim maintenance by not paying any amount towards interim maintenance since the last 5½ years.

10. The respondent-husband has contested against these appeals on the grounds that the appellant has been gainfully employed all these years during the pendency of the cases, has several assets in the form of immovable property, and with regard to her minor daughter from her previous marriage, she has already received maintenance amount of Rs. 40 Lakhs. The learned senior counsel for both the parties vehemently disagreed on the amount of interim maintenance that ought to be paid to the appellant by the respondent. But they appear to be in agreement of the strained relationship between the parties which is stated by both parties to be beyond the scope of reconciliation.

11. This Court also heard the parties in camera to discuss the possibility of a reunion but during the course of the proceedings both parties stated that they are willing to have their marriage annulled by mutual consent as there remains no possibility of the parties reuniting and the marriage now only exists on paper.

12. We have heard the learned senior counsel for the respective parties at length.

13. At the outset it is relevant to be noted and does not seem to be in dispute that differences arose between the parties within the first year of marriage itself and the appellant-wife and respondent-husband have been living separately since the last nine years. It also appears from the record that the parties were referred to mediation at several stages by different courts and all efforts for reconciliation and to continue the marriage have failed, and there is no possibility of a reunion between the parties. Thus, it appears that the marriage between the parties has irretrievably broken down.

14. It is also apparent from the record that complaint for cruelty, hurt, and dowry demand against the respondent was registered by the appellant within the first 11 months of their marriage followed by an application seeking protection under section 12 of PWDV Act filed

by the appellant. An application seeking interim maintenance was filed by the appellant under section 31(1) of the PWDV Act. Shortly thereafter, the respondent filed a petition under section17(1)(d) of the Special Marriage Act, 1954, seeking dissolution of marriage on grounds of cruelty. All these proceedings have since been pending and several challenges have been made by both parties in the order of interim maintenance as granted by the Judicial Magistrate and subsequently modified by the Additional Sessions Judge.

15. The above admitted facts of long-standing separation between the parties, prolonged and multiple litigations pending adjudication, and several failed attempts at reconciliation are evidence of the fact that the marriage between the parties has completely broken down.

16. In ***Hitesh Bhatnagar v. Deepa Bhatnagar***,[5] this Court observed that a marriage can be dissolved by the courts on the grounds of irretrievable breakdown of marriage only when it appears that it has become impossible to save the marriage, all efforts for reunion have failed and the Court is convinced beyond any reasonable doubt that there are no chances of the marriage surviving and succeeding.

17. Further, this Court had observed in ***Ashok Hurra v. Rupa Bipin Zaveri***,[6] that upon considering the cumulative effect of all necessary factors and that the marriage has perished due to long standing differences between the parties, and thus no useful purpose, emotional or practical, would be achieved by prolonging the suffering of the parties and in postponing the inevitable end to their relationship, the Court can pass an order for dissolution of marriage.

18. This Court in a catena of judgments over the years has exercised its inherent powers to dissolve a marriage under Article 142 of the Constitution of India where it finds that the marriage is dead, unworkable, beyond repair, emotionally perished and has thus irretrievably broken down, even though no grounds for divorce as provided in the applicable law are made out in the facts of the case.

19. In ***Shilpa Sailesh v. Varun Sreenivasan***,[7] this Court noted that it has the discretionary power under Article 142(1) of the Constitution

5 [2011] 6 SCR 118 : (2011) 5 SCC 234

6 [1997] 2 SCR 875 : (1997) 4 SCC 226

7 [2023] 5 SCR 165 : (2022) 15 SCC 754

of India to dissolve the marriage on the ground of irretrievable breakdown of marriage while exercising the discretion cautiously on the basis of the factual matrix in each case, evaluated on objective criteria and factors. This Court further held that whether the marriage has irretrievably broken down is to be factually examined and firmly established. The factors to be considered in such examination are such as, period of cohabitation after marriage, when they had last cohabited, nature and gravity of allegations made by the parties, orders passed in previous or pending legal proceedings, attempts at reconciliation or settlement and their outcomes, period of separation and such other similar considerations.

20. In the present case, the parties cohabited after marriage for less than a year and have been living separately since the last nine years. The nature of allegations made by the appellant are grave as, according to her, she was subjected to cruelty, hurt, and dowry demands by the respondent, and she has also initiated criminal action against her husband. Multiple attempts at reconciliation between the appellant and respondent have been made by the Courts at different stages but all efforts have been futile. Multiple legal proceedings are pending between the parties and do not appear to possibly conclude in the near future. This factual position is admitted by both the parties before this Court and they have also mutually agreed that they have no intention of continuing their union as husband and wife. Therefore, we are of the opinion that while the interest of the appellant-wife to be compensated needs to be protected through a one-time settlement, this is a fit case to exercise the discretionary powers vested in this Court under Article 142 of the Constitution of India and to dissolve the marriage between the parties.

21. Thus, considering all the facts and circumstances of the case and analysing the same in light of the considerations stated above, the marriage between the appellant-wife and respondent-husband is ordered to be dissolved in exercise of this Court's powers under Article 142 of the Constitution of India.

22. The next contention in this case is with respect to the amount of maintenance to be paid by the respondent-husband to the appellant-wife. While the issue of interim maintenance is now closed with the dissolution of the marriage, the interest of the wife still needs to be protected so that she does not suffer financially. The parties have

vehemently argued and contested each other's financial position, their individual incomes, and the assets owned by each other. In order to establish the correct financial position of both the parties, they have filed their respective affidavits of income and assets as ordered by this Court.

23. Before we go into the details of the financial position of the parties, we find it necessary to discuss the law laid down for adjudication and determination of one-time settlement in matrimonial disputes. This Court in a series of judgments has touched upon the question of one-time settlement and the factors that should be taken into consideration while determining fair amount of permanent alimony. While the cases deal with maintenance under different provisions of law, the principle for determination of maintenance by way of one-time settlement apply equally to all statutes and personal laws.

24. In ***Vinny Paramvir Parmar v. Paramvir Parmar***,[8] this Court held that there cannot be a fixed formula or a straitjacket rubric for fixing the amount of permanent alimony and only broad principles can be laid down. The question of maintenance is subjective to each case and depends on various factors and circumstances as presented in individual cases. This Court in the above judgment stated that the courts shall consider the following broad factors while determining permanent alimony – income and properties of both the parties respectively, conduct of the parties, status, social and financial, of the parties, their respective personal needs, capacity and duty to maintain others dependant on them, husband's own expenses, wife's comfort considering her status and the mode of life she was used to during the subsistence of the marriage, among other supplementary factors. This was further reiterated by this Court in ***Vishwanath Agrawal v. Sarla Vishwanath Agrawal***,[9] while observing that permanent alimony is to be granted after considering largely the social status, conduct of the parties, the parties' lifestyle, and other such ancillary factors.

25. A two-judge bench of this Court in ***Rajnesh v. Neha and Another***,[10] elaborated upon the broad criteria and the factors to be considered

8 [2011] 9 SCR 371 : (2011) 13 SCC 112

9 [2012] 7 SCR 607 : (2012) 7 SCC 288

10 [2020] 13 SCR 1093 : (2021) 2 SCC 32

for determining the quantum of maintenance. This judgment lays down a comprehensive framework for determining the quantum of maintenance in matrimonial disputes, particularly focusing on permanent alimony. The primary objective is to prevent the dependent spouse from being reduced to destitution or vagrancy due to the failure of the marriage, rather than punishing the other spouse. The court emphasizes that there is no fixed formula for calculating maintenance amount; instead, it should be based on a balanced consideration of various factors. These factors include but are not limited to:

i. Status of the parties, social and financial.

ii. Reasonable needs of the wife and dependent children.

iii. Qualifications and employment status of the parties.

iv. Independent income or assets owned by the parties.

v. Maintain standard of living as in the matrimonial home.

vi. Any employment sacrifices made for family responsibilities.

vii. Reasonable litigation costs for a non-working wife.

viii. Financial capacity of husband, his income, maintenance obligations, and liabilities.

The status of the parties is a significant factor, encompassing their social standing, lifestyle, and financial background. The reasonable needs of the wife and dependent children must be assessed, including costs for food, clothing, shelter, education, and medical expenses. The applicant's educational and professional qualifications, as well as their employment history, play a crucial role in evaluating their potential for self-sufficiency. If the applicant has any independent source of income or owns property, this will also be taken into account to determine if it is sufficient to maintain the same standard of living experienced during the marriage. Additionally, the court considers whether the applicant had to sacrifice employment opportunities for family responsibilities, such as child-rearing or caring for elderly family members, which may have impacted their career prospects.

26. Furthermore, the financial capacity of the husband is a critical factor in determining permanent alimony. The Court shall examine the husband's actual income, reasonable expenses for his own maintenance, and any dependents he is legally obligated to support.

His liabilities and financial commitments are also to be considered to ensure a balanced and fair maintenance award. The court must consider the husband's standard of living and the impact of inflation and high living costs. Even if the husband claims to have no source of income, his ability to earn, given his education and qualifications, is to be taken into account. The courts shall ensure that the relief granted is fair, reasonable, and consistent with the standard of living to which the aggrieved party was accustomed. The court's approach should be to balance all relevant factors to avoid maintenance amounts that are either excessively high or unduly low, ensuring that the dependent spouse can live with reasonable comfort post-separation.

27. Additionally, the judgment addresses specific scenarios such as the right of residence under the PWDV Act, the impact of the wife's income on maintenance, and the needs of minor children. Even if the wife is earning, it does not bar her from receiving maintenance; the Court should assess whether her income suffices to maintain a lifestyle similar to that in the matrimonial home. The judgment also considers the expenses associated with the care of minor children, including educational expenses and reasonable amounts for extracurricular activities. Serious disability or illness of a spouse, child, or dependent family member, requiring constant care and recurrent expenditure, is also a significant consideration. Key precedents cited to reach this broad framework include **Manish Jain v. Akanksha Jain,**[11] **Shailja & Anr. v. Khobbanna,**[12] **and Sunita Kachwaha & Ors. v. Anil Kachwaha,**[13] which reinforce these principles and provide a sound, reasonable and fair basis for determining maintenance in subsequent cases.

28. In the case at hand, both the parties have submitted their affidavits of assets as ordered by this Court. It appears from the material on record that both the parties are well educated, gainfully employed, have high standards of living, and also have dependants to be taken care of. The respondent-husband is working as the Vice President of Deutsche Bank and has stated in the affidavit to be earning a gross monthly salary of around over Rs. 8 Lakhs and more than Rs. 5 Lakhs per month as net salary after deductions. Respondent

11 [2017] 3 SCR 702 : (2017) 15 SCC 801

12 (2018) 12 SCC 199

13 (2014) 16 SCC 715

states to have dependant parents who reside in the United States of America, but they also have a cumulative annual income of over Rs. 28 Lakhs. Respondent is responsible for their medical expenses and stay when they are visiting India. Respondent has also stated that he has a dependant aunt with around Rs.55,000/- medical expenses monthly being borne by him for her. Apart from this, the respondent has estimated his personal monthly expenses to be around Rs. 4 Lakhs. The respondent has submitted that, apart from certain stock investments and fixed deposits, he has no other properties in the form of assets. This submission is challenged by the appellant-wife by stating that respondent-husband allegedly owns a property in Pune which was their matrimonial home and he also owns another immovable property in New Jersey, USA.

29. The appellant-wife in her affidavit of assets has stated that she is currently working as Head of Human Resources with Sarla Holdings (P) Ltd. with a salary of Rs.1,39,000/- per month. She states that she is currently staying in her parental home for which she pays rent to her parents, and her dependants include her parents and her minor daughter. She has estimated that her monthly necessary expenses amount to over Rs. 4 Lakhs. Apart from this, she has also stated that she has to spend around Rs. 75,000/- per month towards the living and education expenses of her minor daughter. Respondent has vehemently contested this and has impressed upon his submission that the daughter is appellant's child from her previous marriage and she had received Rs.40 Lakhs as permanent alimony in that case towards the maintenance of the appellant and her daughter. She has submitted that her assets include certain immovable properties which she bought in the last few years.

30. Both the parties appear to have similar standards of living, which the appellant-wife has continued to enjoy after their separation as well. It is evident from their submissions that though both of them are well qualified and gainfully employed, the respondent-husband earns approximately five times the monthly income of the appellant-wife. Respondent-husband has certain obligations towards three dependants, his own expenses, and certain bank loans, but he also evidently has the financial capacity to maintain his former wife.

31. This Court explored the possibility of one-time settlement between the parties and in the course of the proceedings, the appellant-wife

had put forth a demand of Rs. 5 to 7 Crores as one-time settlement which would cover her maintenance expenses and necessary requirements. On the other hand, the respondent-husband expressed his willingness to pay only Rs. 50 Lakhs towards permanent alimony, submitting that the appellant is employed, has several assets, and that he has no obligation to maintain her daughter as he never adopted her.

32. It is not in dispute that the respondent has the legal obligation as also the financial capacity to maintain his wife after dissolution of marriage. It is also necessary to ensure that the award of maintenance or permanent alimony should not be penal but should be for the purposes of ensuring a decent living standard for the appellant wife. Considering the material on record, the factors stated above, the considerations noted herein, and the arguments advanced by the learned senior counsel on both sides, this Court is of the opinion that the demand made by the appellant is exceptionally high but, at the same time, the amount offered by the respondent is insufficient in the broader rubric of maintenance considerations.

33. Keeping in view the totality of the circumstances, the social and financial status of the parties, their current employments as well as future prospects, standards of living, and their obligations, liabilities, and other expenses, a one-time settlement amount of Rs. 2 Crores would be a balanced and fair amount. This amount would also cover all pending and future claims. Thus, we fix the said amount as permanent alimony to be paid by the respondent to the appellant within a period of four months.

34. Consequently, the appeals are allowed, the orders and judgments of the courts below are set aside, any pending cases be disposed of accordingly, and the decree of divorce be granted in exercise of this Court's power under Article 142 of the Constitution of India. Further, the respondent-husband shall pay Rs. 2 Crores towards permanent alimony to the appellant-wife within the time stipulated above. Parties would be at liberty to file certified copies of this order before the respective Courts where the cases, both civil and criminal, are pending whereupon the Court concerned shall pass appropriate orders closing such proceedings.

35. No order as to costs.

CRL. APPEAL NOS.....@SLP(CRL.) NOS-1168-1171 OF 2024:

36. Leave granted.

37. These appeals are also disposed of in similar terms/directions/ observations, as above.

Result of the case: Appeals allowed.

†*Headnotes prepared by:* Divya Pandey