



**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 1595 OF 2025**

**REKHA MINOCHA**

**...APPELLANT**

**VERSUS**

**AMIT SHAH MINOCHA & ORS.**

**...RESPONDENT(S)**

**J U D G M E N T**

**VIKRAM NATH, J.**

1. Leave granted.
2. The present appeal arises from the judgment and order dated 3<sup>rd</sup> July 2023 passed by the High Court of Rajasthan at Jaipur in S.B. Criminal Revision Petition No.950/2021.
3. This is a matrimonial dispute, and the wife is before us. The relevant facts, giving rise to the present case, are as follows:
  - 3.1. The marriage between the parties was solemnized on 5<sup>th</sup> October 2009.
  - 3.2. The appellant-wife has alleged mental and physical harassment by her in-laws, which led her to leave the matrimonial home on 15<sup>th</sup> April 2010.
  - 3.3. While living at her parental home, the appellant-wife gave birth to their son on 28<sup>th</sup> December 2010.

- 3.4. Thereafter, the appellant-wife on 9<sup>th</sup> July 2013, filed an application under Section 125 of the Code of Criminal Procedure, 1973<sup>1</sup> seeking maintenance for herself and their minor child.
- 3.5. On 16<sup>th</sup> January 2019, the appellant-wife filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005<sup>2</sup>. The Trial Court, *vide* order dated 16<sup>th</sup> January 2019, directed the respondent-husband to pay Rs.5,000/- per month for rent, water and electricity expenses and Rs.10,000/- per month as maintenance for the appellant and Rs.5,000/- per month as maintenance for their minor child plus a further Rs.5,000/- for his education. The appellant-wife was given custody of their minor child under Section 21 of the DV Act and the respondent-husband was also directed to pay Rs.4,00,000/- as compensation for mental, emotional and physical suffering caused to the appellant under Section 22 of the DV Act.
- 3.6. The appellant-wife filed Criminal Appeal No.07/2019 seeking the right of residence in their shared household. The respondent-husband filed Criminal Appeal No.03.2019 as well. The Appellate Court, *vide* order dated 29<sup>th</sup> July 2021, dismissed their appeals and upheld the order of the Trial Court.

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<sup>1</sup> CrPC.

<sup>2</sup> DV Act.

- 3.7. The Family Court in the Section 125 CrPC proceedings, *vide* order dated 15<sup>th</sup> October 2022, directed the respondent-husband to pay Rs.2,000/- per month to the appellant-wife and Rs.1,000/- per month to their minor child in addition to the amount awarded in the DV Act proceedings.
- 3.8. Aggrieved by the order dated 29<sup>th</sup> July 2021, the appellant-wife filed S.B. Criminal Revision Petition No.950/2021 before the High Court. The respondent-husband filed S.B. Criminal Revision Petition No.813/2021 against the same order. The respondent-husband also filed S.B. Criminal Revision Petition No.2009/2022 against the order of the Family Court dated 15<sup>th</sup> October 2022. All these petitions were tagged and heard together by the High Court.
- 3.9. The High Court, *vide* the impugned order, dismissed the appellant-wife's S.B. Criminal Revision Petition No.950/2021. The respondent-husband's Criminal Revision Petition No.2009/2022 was allowed and the order dated 15<sup>th</sup> October 2022 by the Family Court was set aside and resultantly the appellant-wife's application under Section 125 CrPC was dismissed. Further, the respondent-husband's Criminal Revision Petition No.813/2021 was partially allowed and order of compensation of Rs.4,00,000/- under Section 22 of the DV Act was set aside, however, the remaining prayers were dismissed.

- 3.10. Aggrieved by the impugned order, the appellant-wife preferred SLP(Crl) No.6685/2024 and the respondent-husband preferred SLP(Crl) No.14187/2023.
4. We have heard learned counsels for the parties.
5. This Court, *vide* order dated 19<sup>th</sup> March 2025, dismissed the respondent-husband's SLP(Crl) No.14187/2023.
6. This Court passed several orders directing the respondent-husband to clear the outstanding maintenance arrears due to the appellant-wife and their minor child. In this regard, the respondent-husband has submitted bank drafts before this Court, which has been recorded in our previous orders.
7. This Court passed an order dated 29<sup>th</sup> July 2025, which is as follows:

*“Learned counsel appearing for the respondent husband, upon instructions, has made a statement that over and above what has already been paid by the respondent to the appellant, the respondent is ready to pay additional amount of Rs.1,00,00,000/- (Rupees one crore only) as permanent alimony and for settlement of all pending dues for the appellant-wife and the son. Learned counsel for the appellant-wife prays for and is granted two weeks' time to file response, if any, to the application filed under Article 142 of the Constitution of India by the learned counsel for the respondent-husband.”*

8. Dealing with the question of dissolution of marriage, it is evident to us that the relationship between the parties has irretrievably broken down. The parties have been living separately since 15 April 2010, more than fifteen years now. Further, even the attempt at reconciliation through the

Supreme Court Mediation Centre did not yield any positive result. Years of acrimony and bitterness have defined their relationship, and despite the appellant-wife contesting the grant of divorce, we find that no marital bond survives between them. In these circumstances, there is no purpose in perpetuating a legal relationship that has ceased to have any meaning. Therefore, we find this a fit case to grant a decree of divorce using our powers under Article 142 of the Constitution of India.

It has already been recorded in our previous order that the respondent-husband is willing to pay an amount of Rs.1,00,00,000/- (Rupees one crore only) as permanent alimony and as settlement of all pending dues. Upon a careful consideration of all relevant factors, including the income and financial standing of the parties, and other attendant circumstances, we find the amount of Rs.1,00,00,000/- (Rupees one crore only) to be a just, fair and reasonable amount as permanent alimony and towards all pending dues. This amount shall be treated as a full and final settlement of all claims between the parties including those of the minor child represented by his guardian mother i.e. the appellant Rekha Minocha, and upon receipt thereof neither party shall raise any further claim against the other. However, this shall not preclude the respondent father from contributing for the child's education. All pending proceedings, civil or criminal, arising out of this marriage, shall by virtue of this order, stand quashed and closed.

9. Accordingly, in exercise of this Court's powers under Article 142 of the Constitution of India, we dissolve the marriage between the parties, subject to the condition that the respondent-husband shall pay a sum of Rs.1,00,00,000/- (Rupees one crore only) to the appellant-wife as permanent alimony and as a full and final settlement of all claims. The above amount is to be paid within a period of three months from today. The decree shall be drawn up upon the Registry being furnished with proof of such payment.
10. The appellant-wife to furnish the necessary bank details to facilitate the same.
11. Accordingly, the present appeal stands disposed of, in view of the directions above.
12. Pending application(s), if any, shall stand disposed of.

.....J.  
[VIKRAM NATH]

.....J.  
[SANDEEP MEHTA]

**NEW DELHI**  
**OCTOBER 29, 2025**