Redacted by NyayVidhan (matrimonial case; minor children): the spouses' names (shown as P and D on nyayvidhan.in), family dates, and the numbers, police stations and towns of the other cases are withheld. Text otherwise as issued by the Court.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(Arising out of SLP(C) No.10176/2025)

APPELLANT(S)

VERSUS

THE STATE OF RAJASTHAN & ORS. **RESPONDENT(S)**

O R D E R

1. **Leave granted.**

2. **The instant appeal has been filed by the Appellant-Wife assailing the judgment and final order dated 06.02.2025 passed by the Rajasthan High Court at Jaipur, in D.B. Habeas Corpus Petition No. 7/2025, whereby the habeas corpus petition filed by her for securing the custody of her two minor children was dismissed.**

3. **By way of brief background, the Appellant-Wife and Respondent No. 6-Husband, were married on Two children were born from the wedlock. Due to differences between the parties, the Court dissolved their marriage *vide* a decree of divorce by mutual consent on The parties state that they subsequently remarried in however, shortly thereafter, disputes resurfaced between them, leading to several proceedings, including the**

Arjun Bisht Digitally signed by Arjun Bisht Date: 2026.11.10 10:58:24 +0530

underlying habeas corpus petition.

4. On 19.05.2025, when this matter was taken up for hearing, on the suggestion of learned counsel for the parties, the matter was referred to the Supreme Court Mediation Centre to explore the possibility of an amicable settlement.

5. Pursuant thereto, the Appellant–Wife and Respondent No. 6–Husband have amicably resolved their disputes and have filed a joint application under Article 142 of the Constitution of India read with Section 13-B of the Hindu Marriage Act, 1955. Along with the application, the parties have placed on record the Settlement Agreement dated 28.11.2025 (Agreement), which is duly signed by the parties and their respective Advocates, besides the Mediator.

6. As per the Agreement, Respondent No. 6–Husband has agreed to pay a total sum of Rs. 20,00,000/- (Rupees Twenty Lakhs only) to the Appellant–Wife towards full and final settlement of her claims arising out of the matrimonial relationship. Pursuant thereto, a sum of Rs. 10,00,000/- (Rupees Ten Lakhs only) was paid by demand draft and handed over to the Appellant–Wife on the date of filing of the joint application i.e., 16.01.2026. The remaining sum of Rs. 10,00,000/- (Rupees Ten Lakhs only) has also been paid to the Appellant–Wife by way of a demand draft dated 28.10.2026, at the time of hearing before this Court.

7. In terms of the Agreement, the parties have further resolved that:

a. The permanent custody of the two minor children shall

remain with their father until they attain the age of majority.

b. The Appellant-Wife shall have visitation and parenting time with the children on dates mutually decided in accordance with the convenience of the children.

c. The parties have agreed to bring to an end the following pending proceedings arising out of their matrimonial disputes:

(i) FIR No. registered at Police Station Jaipur;

(ii) FIR No. registered at Women Police Station,

(iii) S.B. Civil Writ Petition No. before the High Court of Rajasthan at Jaipur;

(iv) Transfer Petition (Criminal) No. before this Court;

(v) Complaint Case No. before the Additional Chief Judicial Magistrate, Jaipur;

(vi) FIR No.

(vii) Search warrant application dated under Section 97 of the Code of Criminal Procedure;

(viii) Case No. before JMIC, and

(ix) Case No. COMI No.

d. The parties have also agreed to not initiate any further complaint or legal proceedings against each other or their respective family members in relation to the matrimonial

disputes settled between them.

8. **In light of the aforesaid Agreement, the parties have further sought dissolution of their matrimonial relationship by a decree of divorce by mutual consent in exercise of the powers of this Court under Article 142 of the Constitution of India.**

9. **Considering the fact that the parties have amicably resolved their marital dispute, we allow the joint application, i.e. I.A. No. 66890/2026, with the following directions:**

   a. **It is admitted that the parties have been living separately since October 2022. A period of approximately four years has elapsed since and now they have jointly prayed for dissolution of their marriage by way of mutual consent. We therefore accept their prayer and direct that the marriage between the parties shall stand dissolved by a decree of divorce by mutual consent in exercise of powers under Article 142 of the Constitution of India.**

   b. **The custody and visitation arrangements in respect of the two minor children shall be governed by the Settlement Agreement dated 28.11.2025, subject to their welfare and any order lawfully made in their best interests.**

   c. **The proceedings identified in paragraph 3 of the Settlement Agreement dated 28.11.2025 and reproduced in paragraph 6(c) above, shall stand quashed or disposed of as withdrawn/infructuous.**

10. **The parties are directed to abide by the terms and conditions of the Settlement Agreement dated 28.11.2025. The terms and conditions thereof shall be treated as part of this order.**

11. The appeal is, accordingly, disposed of.

12. Pending applications, if any, also stand disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
OCTOBER 29, 2026

ITEM NO.28 COURT NO.1 SECTION XV

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 (C) No(s).10176/2025

[Arising out of impugned final judgment and order dated 06-02-2025 in DBHCP No.07/2025 passed by the High Court of Judicature for Rajasthan at Jaipur]

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS. Respondent(s)

IA No. 66890/2026 - APPLN. UNDER SEC 142 OF THE CONSTITUTION R/W SEC 13B OF H.M.A., IA No. 128328/2025 - EXEMPTION FROM FILING O.T., IA No. 90361/2025 - EXEMPTION FROM FILING O.T.

Date : 29-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Ms. Alpana Sharma- 3445, AOR
Ms. Shivangi Singh, Adv.
Mr. Raj Shekhar Sharma, Adv.
Ms. Kanchan Kumari, Adv.
Mr. Shah Mohd., Adv.

For Respondent(s) :
R.1 to 5 Mr. S. Udaya Kumar Sagar- 1132, AOR

R.6 Mr. Sidrah Jami, Adv.
Mr. Varun Chugh, Adv.
Ms. Shagun Shahi Chugh, Adv.
Ms. Meera Chugh, Adv.
Ms. Sidrah Jami, Adv.
Mr. Sumit Gautam, Adv.
Mr. Kabir Singh, Adv.
Mr. Prashant Rawat, AOR

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

1. Leave granted.

2. I.A. No. 66890/2026 is allowed and the appeal is disposed of

in terms of the signed order.

3. Pending applications, if any, also stand disposed of.

(ARJUN BISHT) **(PREETHI DILEEP KUMAR)**
ASTT. REGISTRAR-cum-PS **DY. REGISTRAR**
(signed order is placed on the file)