2026 INSC 1227

NON- REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
[@ SPECIAL LEAVE PETITION (CRL.) NO.12633 OF 2026]

ANKIT SARAIYA ...APPELLANT(S)

VERSUS

POOJA SARAIYA ...RESPONDENT(S)

J U D G E M E N T

NONGMEIKAPAM KOTISWAR SINGH, J.

Leave granted.

2. The present appeal arises out of the final judgment and order dated 17.04.2026 passed by the High Court at Calcutta in C.R.R. No. 553 of 2026, whereby the High Court disposed of the criminal revision preferred by the Appellant – Husband against the order dated 12.12.2025 passed by the Additional District and Sessions Judge, 9th Court, Alipore in Criminal Appeal No. 197 of 2025.

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Reason:

3. The dispute between the parties arises out of matrimonial proceedings and proceedings instituted under the provisions of

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the Protection of Women from Domestic Violence Act, 2005 (hereafter referred to as the "DV Act"). The parties, namely, the Appellant-Husband, Ankit Saraiya, and the Respondent – Wife, Pooja Saraiya, were married on 31.01.2013. A son, Reyansh Saraiya, was born from the wedlock on 08.05.2017.

4. The Respondent – Wife instituted proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005, being Complaint Case No. 989 of 2020, before the Judicial Magistrate, 9th Court, Alipore, (hereafter referred to as the "Trial Court") along with an application under Section 23 of the said Act seeking, inter alia, interim monetary relief and alternative accommodation.

5. By order dated 12.02.2025, the Trial Court directed payment of Rs. 90,000/- per month towards the upbringing, education and maintenance of the minor child and Rs. 60,000/- per month towards alternative accommodation for the Respondent – Wife and son, with effect from 04.08.2020, aggregating to Rs.1,50,000/- per month.

6. Thereafter, the Appellant – Husband moved an application under Section 25(2) of the Domestic Violence Act, principally raising the issue of the Respondent - Wife's possession of the

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second and third floors of the premises at 2B, Hastings Park Road, Kolkata, which was the shared household/matrimonial home. By order dated 01.07.2025, the Trial Court appointed an Advocate Commissioner to conduct a local enquiry regarding the status and occupation of the said premises.

7. The aforesaid order dated 01.07.2025 was challenged by the Respondent – Wife in Criminal Appeal No. 197 of 2025 before the Additional District and Sessions Judge, 9th Court, Alipore (hereafter referred to as the "First Appellate Court"). By the impugned order dated 12.12.2025, the First Appellate Court set aside the order dated 01.07.2025, and directed the Trial Court to hear the matter of appointing a Commissioner afresh.

8. Aggrieved thereby, the Appellant-Husband approached the High Court at Calcutta in C.R.R. No. 553 of 2026. The High Court, by the impugned judgment dated 17.04.2026, set aside the order dated 12.12.2025 as having become infructuous as the Respondent-Wife filed an affidavit stating that she is in possession of the disputed household. It affirmed the observation of the Trial Court that the Respondent – Wife would not be entitled to claim alternative accommodation while also being in possession of the matrimonial home and directed that

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any amount paid towards alternative accommodation be adjusted against the monetary relief awarded towards the child. The High Court, however, kept the issue of alternative accommodation/alternative accommodation charges open for future consideration.

9. Aggrieved by the aforesaid judgment and order dated 17.04.2026 passed by the High Court, the Appellant-husband has preferred the present appeal before this Court.

10. Learned counsel appearing for the Appellant-Husband submits that the impugned order has affected the arrangement contemplated under the order dated 12.02.2025, whereby the Trial Court had directed payment of Rs. 90,000/- per month towards the upbringing, education and maintenance of the minor child and Rs. 60,000/- per month towards alternative accommodation for the Respondent-Wife, with effect from 04.08.2020, and that the proceedings between the parties have resulted in multiple litigations before different fora. It is further submitted that the matrimonial relationship between the parties has irretrievably broken down and that the disputes between the parties may be brought to a quietus by exercising the powers of this Court under Article 142 of the Constitution of India.

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11. Learned counsel appearing for the Respondent – Wife, on the other hand, has opposed the contentions raised by the Appellant– Husband in the proceedings. The pleadings and proceedings instituted in the Courts below also reflect the disputes between the parties concerning the shared household, maintenance, alternative accommodation, custody/visitation of the minor child and other connected proceedings.

12. During the pendency of the present proceedings, this Court, with a view to explore an amicable resolution of the disputes between the parties, directed the parties to explore settlement. The parties thereafter participated in the settlement process and proposals were exchanged between them.

13. We are informed by learned counsel appearing for the parties that the parties have now arrived at an amicable settlement and have agreed to bring a quietus to the disputes and proceedings between them. The terms of the settlement, as agreed between the parties are as follows:

1. A sum of Rs. Thirty crores (Rs. 30,00,00,000/-) shall be payable towards the Respondent – Wife as permanent alimony.

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2. A sum of Rs. Forty-five crores (Rs. 45,00,00,000/-) shall be payable towards the minor child which shall be held by the Respondent-Wife in trust for the minor child.

3. The residential accommodation that will be purchased for value up till Rs. 5 crores will be purchased out of the funds of the Trust and will be in the ownership of the Trust. The Respondent will have the right to reside in the same until she remarries or till Reyansh turns 25 years old, whichever is earlier. If she remarries before Reyansh turning 25, then she will lose all her residential rights. If Reyansh turns 25 and she still doesn't remarry then her right to stay and reside will be at the sole discretion of Reyansh.

4. The Permanent Alimony shall be paid to the Respondent-Wife by way of a Demand Draft, simultaneously with the handover of the keys and vacant peaceful possession of the family home located at 2B, Hastings Park Road, Kolkata-700027 within a week of this order.

5. The visitation rights of the Appellant-Husband towards his minor son, Reyansh will be as per the parenting plan of the Hon'ble High Court of Calcutta, as specified in Para 32 of the Petitioner's Proposal dated 19.09.2026.

6. All pending cases/proceedings between the parties as mentioned below shall be closed:

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i. Act VIII case No.73 of 2020 titled “Pooja Saraiya vs. Ankit Saraiya” pending before the Ld. 9th Additional District Judge, Alipore.

ii. FIR No.86 of 2020 registered in P.S. Alipore, CGR Case No.1965 of 2020 titled “State vs. P. P Gupta & Ors” pending before Ld. Chief Judicial Magistrate, Alipore.

iii. FIR No. 87 of 2020 registered in P.S. Alipore, CGR Case No. 2026 of 2020 titled as “State vs. Pooja Saraiya” pending before Ld. Chief Judicial Magistrate, Alipore.

iv. FIR No.92 of 2020 registered in P.S. Alipore, CGR case No.2026 Of 2020 titled “State vs. Pooja Saraiya” pending before Ld. Chief Judicial Magistrate, Alipore

v. FIR No. 96 of 2020 registered in P.S. Alipore, CGR case 1 of 2020 titled State vs. Mr. P. P Gupta” pending before Ld. 4 Judicial Magistrate, Alipore.

vi. CRR No.1035 of 2024 with CRAN No-I of 2024 titled “Padam Prakash Gupta & Anr. Vs. State of West Bengal & Anr.”, pending before the Hon'ble Calcutta High Court.

vii. MAT suit No.36 of 2021 titled “Ankit Saraiya vs. Pooja Saraiya” pending before the 9th Additional District Judge, Alipore.

viii. Misc. case No. 318 of 2021 titled “Ankit Saraiya vs. Pooja Saraiya” pending before the 9th Additional District Judge, Alipore.

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ix. Complaint Case No. 989 of 2020 titled "Pooja Saraiya vs. Ankit Saraiya & Ors", pending before the Ld. Judicial Magistrate, 9th Court, Alipore.

x. Criminal Appeal No.67 of 2025 titled "Pooja Saraiya vs. Ankit Saraiya Ors"., pending before the Ld. Sessions Judge, Alipore.

xi. Misc. Execution Case No. 253 of 2025 titled "Pooja Saraiya vs. Ankit Saraiya" pending before the Ld. Judicial Magistrate. 9th Court. Alipore.

xii. CS No.93 of 2021 titled Reyansh Saraiya vs. Padam Prakash Gupta & Ors, pending before the Hon'ble Calcutta High Court.

xiii. CS No. 421 of 2020 titled "Pooja Saraiya vs Enertech Engineers India Private Limited & Ors." pending before 2nd Civil Judge, Junior Division, Alipore.

xiv. FIR No. 87 of 2020, (which is a cross-FIR in respect of FIR No. 86 of 2020) registered at Police Station Alipore, giving rise to CGR Case No. 1966 of 2020, titled State vs. Pooja Saraiya, pending before the learned Chief Judicial Magistrate, Alipore.

14. We have considered the Parenting Plan submitted by the Appellant-Husband. It shall remain same. In the event of any disagreement between the Parents concerning the interpretation, implementation or operation of the Parenting Plan, or in the event that either Parent seeks any modification

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to the arrangements contained therein, the Parents shall make a good faith effort to resolve the issue amicably, keeping the best interests and welfare of the Child as the paramount consideration as also mentioned in the Clause J of the Parenting Plan submitted by the Appellan-Husband, titled "Disagreements, Modification of Plan and Non-Compliance". In the event that the Parents are unable to resolve the issue through such good faith efforts, either Parent shall be at liberty to approach the competent court for appropriate directions, modification or other relief, as may be warranted in the circumstances.

15. Having regard to the settlement arrived at between the parties and in order to give complete and effective quietus to the disputes between them, we deem it appropriate to exercise the powers conferred upon this Court under Article 142 of the Constitution of India.

16. Accordingly, the marriage between the Appellant-Husband, Ankit Saraiya, and the Respondent-Wife, Pooja Saraiya, solemnised on 31.01.2013, is hereby dissolved in exercise of the powers under Article 142 of the Constitution of India. The decree shall be drawn accordingly.

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17. The settlement recorded herein shall form part of this order. The parties shall abide by the terms of the settlement, including the arrangement concerning the minor child and the Parenting Plan.

18. The present Appeal is, accordingly, disposed of in terms of the settlement as above.

19. I.A. No. 249387 of 2026, seeking appropriate orders under Article 142 of the Constitution of India, stands allowed/disposed of accordingly.

20. All pending applications, if any, stand disposed of.

..... J.
[SATISH CHANDRA SHARMA]

..... J.
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI;
NOVEMBER 16, 2026

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