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Conditional Divorce: Supreme Court Orders Alimony in the Form of Apartment and Arrears

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Introduction

In a recent and notable decision, the Supreme Court of India addressed a protracted marital dispute in the case of *Anurag Vijaykumar Goel v. State of Maharashtra & Anr.*[1] The case offers a compelling look into how the judiciary navigates matrimonial acrimony that has festered for years. This judgment not only dissolved the marriage on the grounds of irretrievable breakdown but also quashed related criminal proceedings, indicating the Court's commitment to delivering complete justice when reconciliation is no longer a possibility. The case provides significant insights into the application of legal principles in matrimonial disputes.

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Background of the case

The appellant, Anurag Vijaykumar Goel, and the respondent, his wife, were both previously divorced when they married on July 25, 2015. Their second marriage lasted for one year and nine months before disputes arose. The appellant has an autistic child from his first marriage. The apartment where the couple resided, located at Mumbai, was jointly owned with his first wife but was released in his favor for the best interest of his minor child.

The husband alleged that he left the apartment and moved to Faridabad to live with his parents and child due to constant harassment from his wife. He also claimed to have left his lucrative employment at a private bank. The wife, on the other hand, alleged continuous intimidation and domestic violence, claiming the husband abandoned her without any means of survival. In May 2017, the wife initiated a criminal prosecution against the husband and his parents under the Domestic Violence Act, 2005. In the same month, the husband filed for divorce in Delhi. A complaint under Section 498 A of the Indian Penal Code was also filed, leading to an FIR being registered on April 19, 2018.

The couple engaged in mediation, which resulted in a settlement agreement signed on September 1, 2022. The first motion for divorce on mutual consent was moved on September 3, 2022, and was recorded by the Family Court on September 14, 2022. However, the wife later withdrew her consent before the second motion, leading the husband to appeal to the High Court of Bombay to quash the criminal proceedings. The husband also moved the Delhi High Court, alleging contempt for the wife's withdrawal from the consent agreement. The Single Judge's order punishing the wife for contempt was later set aside by the Division Bench. The husband subsequently filed an appeal to the Supreme Court after the High Court declined to quash the criminal proceedings.

Legal Findings and Issues

The Supreme Court's judgment addressed several key legal issues, leading to the following findings:

- **Irretrievable Breakdown of Marriage:** The Court was convinced that reconciliation was impossible due to the acrimonious relationship of eight years and the numerous pending legal proceedings. Citing its precedent in *Shilpa Sailesh v. Varun Sreenivasan*[2], the Court invoked its power under Article 142 of the Constitution of India to dissolve the marriage on the grounds that it was "totally unworkable, emotionally dead and beyond salvation".
- **Quashing of Criminal Proceedings:** The Court examined the allegations in the FIR, which was registered a year after the couple's separation. It found the allegations under Section 498 A of the IPC to be "common-place, banal and vague" and a result of "marital squabbles, skirmishes and bickerings blown out of proportion". Applying the principles from *State of Haryana v. Bhajan Lal*[3], the Court concluded that the allegations did not prima facie constitute an offense and therefore quashed the criminal proceedings.
- **Permanent Alimony and Settlement:** The respondent-wife demanded permanent alimony of Rs. 12 crores in addition to the ownership of the apartment. The Court, however, found her claim for further alimony to be unjustified. The appellant-husband

had asserted that the wife received a fair settlement from her earlier divorce, which the court found "*is irrelevant in the adjudication of the present dispute*". The court also noted that "the alimony received by the respondent on the dissolution of her first marriage is not a relevant consideration". The Court considered the husband's current status as an unemployed person, his responsibility for an autistic child from his first marriage, and his financial condition. The Court also noted that the wife was a qualified and gainfully employed engineer at the time of the estrangement and that the gift of the valuable, encumbrance-free apartment would suffice as compensation for the separation.

Key Takeaways

The judgment highlights several important legal principles:

- **Judicial Authority under Article 142**: The Supreme Court reiterated its power under Article 142 of the Constitution of India to dissolve a marriage if it is convinced that the relationship has irretrievably broken down, thus doing "complete justice to both the parties".
- **Relevance of Financial Status**: The court considered the financial status and educational qualifications of both parties, including the husband's decreased income after leaving his job and the wife's past employment and potential to maintain herself. The alimony received by the wife from her first marriage was deemed irrelevant to the case.
- **Quashing of Vague Criminal Complaints**: The judgment is a precedent for quashing criminal proceedings under Section 498-A when the allegations are found to be general, vague, and unsubstantiated, particularly when filed long after the separation.
- **Conditional Divorce Decree**: The court granted the divorce subject to specific conditions, ensuring the husband paid all outstanding society maintenance charges and executed a gift deed for the apartment and two car parking spaces to the wife. The divorce would not come into effect if the husband failed to comply, but would proceed if the wife did not present herself for the registration of the deed

Conclusion

The Supreme Court's judgment in this case provides a definitive conclusion to a prolonged matrimonial dispute. The Court, exercising its power under Article 142 of the Constitution, dissolved the marriage on the ground of irretrievable breakdown, finding it "totally unworkable, emotionally dead and beyond salvation". This decision was subject to specific conditions to ensure complete justice for both parties. The judgment quashed the criminal proceedings initiated under Section 498-A of the IPC, as the Court found the allegations to be "common-place, banal and vague" and a result of "marital squabbles blown out of proportion". The Court determined that these allegations did not meet the threshold for a prima facie case.

As part of the settlement, the appellant husband was ordered to deposit all outstanding maintenance charges for the apartment with the Society up to September 1, 2025. Following this, he is to execute a gift deed for the apartment and two car parking spaces in favor of the respondent-wife. By setting forth clear conditions for the divorce to take effect, the court ensured that both parties can move on with their lives independently, with the wife receiving a substantial asset as compensation. This ruling provides a significant reference point for future matrimonial cases involving similar circumstances.

For more details, write to us at: contact@indialaw.in

[1] Criminal Appeal No. 5277 of 2024

[2] Crl. A. No. 5277 of 2024

[3] 21992 Supp. (1) SCC 335

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Family Law Dispute