

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM M-19358 of 2014

Date of Decision : March 13, 2015

Shiv Kumar Gupta and another

.....Petitioners

VERSUS

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Sumeet Sheokand, Advocate for
Mr. R.S.Tacoria, Advocate
for the petitioners.

Mr. Praveen Bhadu, Asstt. A.G. Haryana
for respondent No.1-State.

Respondent No.2 in person with
Mr. Shiv Kumar, Advocate.

Udit Gupta, son of the petitioners, in person.

T.P.S. MANN, J.(Oral)

Prayer made in the petition is for grant of anticipatory bail to the petitioners in case FIR No. 180 dated 14.5.2014 registered at Police Station Sector-7, Faridabad under Sections 498-A, 323, 506, 406 and 34 IPC.

In the aforementioned FIR, the petitioners, who are the father-in-law and mother-in-law, respectively of complainant/ respondent No.2 and their son Udit Gupta stand arraigned as accused.

The present petition came up for preliminary hearing on 30.5.2014, when after hearing learned counsel for the petitioners, notice was issued to Advocate General, Haryana as well as to respondent No.2. The petitioners were directed to appear before the

Investigating Officer and join the investigation. In the event of their arrest, they were ordered to be admitted to interim bail.

Upon notice, the State as well as respondent No.2 put in appearance. The Court was informed by the State counsel that though the petitioners had joined the investigation yet certain recoveries were still to be effected. The position remained the same even on the next date i.e. 21.11.2014. The petitioners were directed to, once again, appear before the Investigating Officer for joining the investigation.

On 17.12.2014, the State counsel, after obtaining instructions from SI Himmat Singh informed the Court that the petitioners had joined the investigation but recovery of most of the gold articles as well as the moneys could not be made.

After hearing learned counsel for the parties on 17.12.2014, this Court prima facie was of the view that an attempt could be made by Udit Gupta, the son of the petitioners and the complainant/respondent No.2-Priyanka Gupta to explore the possibility of an amicable settlement. Accordingly, the matter was referred to the Mediation and Conciliation Centre of this Court. Udit Gupta, the son of the petitioners and complainant/respondent No.2-Priyanka Gupta were directed to appear before the said Centre on 14.1.2015 and also on any other date to which the proceedings might be adjourned. The interim order passed in favour of both the petitioners was directed to continue.

Now a report has been received from the Director, Mediation and Conciliation Centre to the effect that the parties have

settled their dispute by way of compromise. The terms of compromise recorded between the parties have been placed on record. As per the same, Udit Gupta and Priyanka Gupta have agreed to part ways amicably by seeking divorce by mutual consent. In lieu of compensation to respondent-Priyanka Gupta, a sum of Rs.9,00,000/- was to be given by the petitioners and their son Udit Gupta. Out of the same, Rs. 5,00,000/- was to be paid at the time of final hearing of the present petition and the remaining amount of Rs.4,00,000/- to be paid once the parties are granted divorce by mutual consent i.e. at the stage of second motion. Both the parties also agreed that all the cases pending between the parties, either civil or criminal, will either be withdrawn or their quashing would be sought regarding which respondent-Priyanka Gupta would have no objection.

In terms of the compromise, learned counsel for the petitioners has produced bank draft No. 420276 dated 4.3.2015 for a sum of Rs. 5,00,000/- in the name of respondent-Priyanka Gupta which has been handed over to respondent No.2, who is present in the Court. Photocopy of the same has been retained on the file.

In view of the above, none of the two petitioners is required for custodial interrogation.

Resultantly, the petition is accepted and the interim order dated 30.5.2014 is made absolute.

March 13, 2015
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(T.P.S. MANN)
JUDGE