

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-40996-2014
Date of decision:24.03.2015

Savita

...Petitioner

Versus

Shiv Onkar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.S.S.Rangi, Advocate for the petitioner.

Mr.N.P.S.Kohli, Advocate for the respondents.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') seeks quashing of order dated 28.8.2014 (Annexure P-4) passed by the learned Additional Sessions Judge, Patiala, whereby revision petition against the order dated 3.10.2013 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Patiala, has been dismissed, thereby accused-respondents were ordered to be discharged. A complaint under Sections 406, 494, 500, 506, 467, 468 and 471 of the Indian Penal Code (for short 'IPC') was filed at the instance of the petitioner.

Notice of motion was issued and parties were directed to appear before the Medication and Conciliation Centre of this Court vide order dated 1.12.2014 passed by this Court.

Learned counsel for the parties are ad idem that in compliance

of the order dated 1.12.2014 passed by this Court, parties appeared before the Mediation and Conciliation Centre. After due deliberations, matter has been amicably settled between the parties. Following are the terms and conditions of the settlement arrived at between the parties, contained in para 4 of the settlement/agreement dated 3.3.2015:-

“(a) Both the parties have mutually agreed that Shiv Onkar-second party (respondent no. 1) shall pay to the first party a total lump-sum amount of Rs.4,00,000 (Rupees four lacs only) towards maintenance and permanent alimony and any claim whatsoever arising out of the matrimonial allowance between the parties, which was followed by a decree of divorce on 19.05.2001. The amount shall be paid in 3 installments. The first installment shall be paid by way of demand draft in favour of the first party (Savita) in a sum of Rs.2,00,000/- (Rupees two lacs only) in the first week of April, 2015 i.e. by 07.04.2015. The said draft shall be handed over to the learned counsel for the first party i.e. Mr. S.S. Rangi, Advocate. The second and third installments in a sum of Rs.1,00,000/- (Rupees one lacs only) each shall be paid by first week of May, 2015 and first week of July, 2015 respectively. Both these installments shall also be paid by way of demand draft in favour of the first party and shall be handed over to the learned counsel for the petitioner i.e. Mr. S.S. Rangi, Advocate.’-

(b) The first party further agrees that she shall not claim the amount of maintenance awarded by the learned JMIC, Patiala awarding a sum of Rs.700/- (Rupees seven hundred only) per month to her as the parties have amicably settled the matter in a lump-sum amount of maintenance etc. She further undertakes that she will never ever file any application for claim of any kind of maintenance etc. or any other claim whatsoever from Shiv Onkar-second party (respondent no. 1) or his family members.

(c) The first party undertakes to withdraw the present quashing

petition and so also the other petition pending before this Hon'ble High Court i.e. C.R. No. 5802 of 2014 titled 'Savita Vs. Shiv Onkar' within one week from the receipt of the entire payment of Rs. 4,00,000/- (Rupees four lacs only).

(d) The second party undertakes to withdraw two suits for defamation filed by Shiv Onkar-second party (respondent no. 1) and his father i.e. Sh. Madan Lal against the first party, which are pending in the Court at Patiala within a week from the date of first payment/installment. The second party assures that Mr. Madan Lal shall withdraw the petition filed by him against the first party. However, in case Madan Lal father Shiv Onkar does not withdraw the petition, the petitioner (first party) shall not be bound to withdraw case(s) against Madan Lal and the first party shall be at liberty to pursue her legal remedies against Madan Lal.

(e) Both the parties undertake that no other petition is pending between the parties arising out of the matrimonial allowance either against each other or against each other's family members. In case any petition is so pending, which has skip the notice of the parties, the same shall be withdrawn within one month from today.

(f) Both the parties have further agreed that they will not file/pursue any litigation against each other or their respective family members arising out of the matrimony of Savita (petitioner) and Shiv Onkar (respondent no. 1), which culminated into a decree of divorce.”

Since the first party, i.e. petitioner-Savita daughter of Ushnak Chand has undertaken to withdraw the present quashing petition in view of the above-said clause (c) of para 4 of the settlement/agreement, learned counsel for the petitioner fairly states that he has instructions to say that petitioner may be permitted to withdraw the instant quashing petition.

In view of the above-said statement made by the learned counsel for the petitioner, which has not been opposed by the learned

counsel for the respondents, present petition is ordered to be dismissed as withdrawn. However, it is made clear that the parties shall remain bound by the terms and conditions of their settlement/agreement dated 3.3.2015 recorded before the Mediation and Conciliation Centre of this Court.

Disposed of, accordingly.

24.03.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE