

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

CRM-M-41846-2014(O&M)

Date of Decision: September 28, 2015

Aman Bhasin

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Saurav Verma, Advocate
for the petitioner.

Mr.P.S.Ghuman, Addl.A.G.Punjab.

Mr.Anil Bansal, Advocate
for respondent No.2.

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1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C.,
is for grant of anticipatory bail to the petitioner, who has been
booked for having committed the offences punishable under
Sections 406 and 498-A, IPC, in a case arising out of FIR No.90,
dated 24.11.2014, registered at Police Station, Women Cell,

District Jalandhar.

On 19.05.2015, the following order was passed by this Court:-

“There is an element of settlement between the parties.

Let the case file be sent to the Mediation and Conciliation Centre of this Court.

Parties are directed to appear before the Mediation and Conciliation Centre on 28.05.2015.”

The petitioner as well as respondent No.2-wife/informant appeared before the Mediation and Conciliation Centre of this Court and resolved the dispute on 29.06.2015.

In addition to other, the following conditions were also part of the compromise:-

“d) It is agreed between the parties that the petitioner shall pay the aforesaid amount of ₹11,50,000/- (Rupees Eleven Lacs and Fifty thousand only) as per the following installments:-

i) *That the petitioner Aman Bhasin shall pay a sum of ₹3,50,000/- (Rupees Three Lacs and Fifty Thousand only) by way of Demand Draft to his wife Spardha on the date the petition under Section 13-B of the Hindu Marriage Act is filed at Jalandhar.*

ii) *That the petitioner shall pay a sum of ₹4,00,000/- (Rupees Four Lacs only) by way*

of Demand Draft to his wife on the date when the petition for quashing of the above-mentioned FIR is filed by the petitioner and his family members in the Hon'ble High Court. The said petition shall be filed on or before 7th October, 2015. On the receipt of the said amount of ₹4,00,000/-, the respondent No.2(wife) shall have no objection if the aforesaid FIR is quashed by the Hon'ble Court against the petitioner and his family members. The petitioner and his family members shall take further necessary steps for quashing of the FIR in accordance with law. The respondent No.2 shall fully co-operate with the petitioner for getting the said FIR quashed and shall make statement/file affidavit, if required.

iii) That the final installment of ₹4,00,000/- (Rupees Four Lacs only) shall be paid by the petitioner to the respondent No.2 by way of Demand Draft on the date when the divorce under Section 13-B of the Hindu Marriage Act is granted by the Hon'ble Court."

The petitioner failed to comply with the above conditions and, as such, on 11.08.2015 the following order was passed:-

“ Learned counsel for the petitioner submits that

on account of financial constraints, the petitioner could not fulfil the terms and conditions of the compromise effected before the Mediation and Conciliation Centre of this Court. He prays for an adjournment so that the agreed first instalment of ₹3,50,000/- (Rupees three lacs and fifty thousand only) can be paid to respondent No.2-wife. He further submits that in case the petitioner fails to fulfil the condition, then he would be liable to pay ₹2,00,000/- (Rupees two lacs only) as costs.

Learned counsel for the State as well as the counsel representing respondent No.2-informant has no objection to the above prayer.

It is made clear that if the first instalment of ₹3,50,000/- (Rupees three lacs and fifty thousand only) is not paid on or before the adjourned date, then in addition to the agreed amount the petitioner shall also be liable to pay ₹2,00,000/- (Rupees two lacs only) more as costs.

List on 28.09.2015.”

Learned counsel for the petitioner very fairly concedes that the order, dated 11.08.2015, has not been complied with. However, he submits that a post dated cheque of ₹3,50,000/- (Rupees three lacs fifty thousand only) has been handed over to him (counsel) for handing over the same to respondent No.2-wife/informant.

In view of the above, the present petition is dismissed.

Respondent No.2-wife/informant may recover the amount of ₹2,00,000/- (Rupees two lacs only), as described in the order dated 11.08.2015 passed by this Court, in accordance with the settled norms.

Interim directions issued vide order dated 19.12.2014 are hereby vacated.

September 28, 2015
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(NARESH KUMAR SANGHI)
JUDGE