

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

**FAO No. M-76 of 2013  
Date of Decision:-02.9.2015**

Roohi

...Appellant

Versus

Deepak Mandan

...Respondent

**CORAM:- HON'BLE MR. RAJIVE BHALLA  
HON'BLE MR. JUSTICE HARI PAL VERMA**

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

Present:- Mr. Aakash Singla, Advocate  
for the appellant.

Mr. Bhupinder Singh Walia, Advocate  
for the respondent.

**RAJIVE BHALLA J. (Oral)**

The appellant-wife filed a petition for grant of a decree of divorce on the grounds of cruelty, desertion and renunciation of the world by the respondent. The respondent was proceeded against *ex-parte* but the Additional District Judge, Karnal dismissed the petition.

During pendency of the appeal, parties, with the able assistance of their counsel have arrived at a settlement, duly reduced into writing and signed by both parties. A relevant extract from the settlement, filed in Court today and taken on record as Mark 'A' reads as follows :-

- “A. That the first party has agreed to withdraw the case filed under Section 125 Cr.P.C. against the second party in the Court of Ld. CJM, Karnal (Regn. No. Mnt/125/581/2013/16.4.2013, Case Code : 202600130252013) pending for 4.11.2015.
- B. That the first party has agreed to withdraw or ensure quashing/cancellation of the criminal case arising out of FIR No.505 dated 5.6.2011 under Sections 498-A, 406, 506 IPC registered at P.S. City, Karnal pending in the Court of Ld. JMIC, Karnal for 11.9.2015 (Case Code : 203600069162013). The first party shall be duty bound to appear in the Ld. Court below or in this Hon'ble Court for recording of the statements for the purpose of quashing/cancellation of the aforesaid criminal case.
- C. That the first party has agreed to withdraw the pending appeal i.e. FAO-M No.76 of 2013 pending in the Hon'ble High Court at Chandigarh for today. The first party has also agreed to relinquish/forego the arrears of maintenance and future maintenance and alimony awarded to her by the Hon'ble High Court under Sections 24 and 26 of the Hindu Marriage Act.
- D. That both the parties have agreed to file a joint petition under Section 13-B of the Hindu Marriage Act, 1955 before the learned District Judge, Karnal for dissolution of the marriage by way of mutual consent within a maximum period of one month from today and it is also settled between the parties that they shall be duty bound to get their respective statements recorded at any/all stages before the learned Court to ensure

the passing of the decree for divorce by mutual consent.

- E. That both the parties have agreed to withdraw all other pending respective suits/ petitions/ complaints/ appeals/ applications etc. in order to ensure peace and bury all their grievances.
- F. That the second party has agreed not to institute any litigation against the first party or her relatives.
- G. That the second party has agreed not to claim custody of the minor child at any point of time. As it has been settled that the child shall reside with the first party only.”

The parties, namely, Roohi, the appellant and Deepak Mandan, the respondent are present in Court, duly identified by the respective counsels. The parties acknowledge, the correctness of settlement dated 2.9.2015 and their signatures on each page of the settlement.

Counsel for the parties pray that in view of the settlement between the parties, the appeal may be dismissed as withdrawn with liberety to the parties to file a petition under Section 13-B of the Hindu Marriage Act, in terms of other clauses of the settlement to file a petition for quashing of FIR No.505 dated 5.6.2011, under Sections 498-A, 406 and 506 IPC, registered at Police Station City, Karnal and for withdrawal of the petition filed under Section 125 Cr.P.C. etc.

We have heard learned counsel for the parties, appraised the settlement and are satisfied that the settlement is a bonafide attempt by the parties to bring to end this unfortunate litigation. The settlement does not suffer from any legal impediment and is accepted

Consequently, the appeal is dismissed as withdrawn. The parties shall be bound by the terms and conditions of the settlement. In case any party violates any clause of the settlement, they shall be at liberty to seek revival of the appeal.

**( RAJIVE BHALLA )**  
**JUDGE**

September 02, 2015  
*Vijay Asija*

**( HARI PAL VERMA )**  
**JUDGE**