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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 03rd March, 2016

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BAIL APPLN No.2605/2015

ADITYA MEHTA

..... Petitioner

Represented by: Mr.P.Banerjee, Adv.

versus

THE GNCT OF DELHI

..... Respondent

Represented by: Mr.Panna Lal Sharma,
APP for the State with SI
Parmod Kumar, PS
Subhash Place, Delhi.
Mr.Vineet Aggarwal,
Mr.Pankaj Arya &
Mr.Malkhan Singh, Advs
for complainant with
complainant in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

BAIL APPLN No.2605/2015

1. Vide the present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR No.917/2014 registered at police station Subhash Place, Delhi for the offences punishable under Sections 498A/406/34 of the IPC.

2. Vide order dated 01.12.2015 at joint request, matter was sent to the Mediation and Conciliation Centre, Delhi High Court, New Delhi wherein vide settlement dated 15.01.2016 matter has been settled between the parties. It is agreed by the petitioner that he will pay an amount of Rs.35.00 Lac in favour of complainant inter alia, as under:-

“a) That both the parties undertake that they shall file a joint divorce petition U/S 13B(1) of HMA in concerned Family Court, Delhi, within one week from the date of signing of this Settlement Agreement. That the First Party, at the time of recording of statement in the first motion of the divorce petition filed U/S 13B (1) of HMA in the concerned Family Court, Rohini, Delhi shall hand over to the Second Party a draft for an amount of Rs.10,00,000/- (Rs.Ten Lakhs only) in the name of Second Party.

b) That the First Party undertakes to hand over to the Second Party a draft for Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousands Only) at the time of passing of the order in the pending Bail Application No.2606/2015 by the Hon'ble High Court of Delhi at New Delhi.

c) xxxx

d) xxxx”

3. Learned counsel appearing on behalf of petitioner submits that the an amount of Rs.10,00,000/- has already been paid to complainant at the time of recording of statement of first motion petition and the agreed part amount of Rs.7,50,000/- is being paid to her today vide draft No.049902 dated 01.03.2016 drawn on Axis Bank in her favour, which has been accepted by complainant, who is present today in the Court through learned counsel, above named.

4. He further submits that amount of Rs.2,50,000/- shall be paid at the time of recording of statement of second motion petition and balance amount of Rs.15,00,000/- shall be paid to complainant at the time of quashing of the FIRs.

5. Learned counsel appearing on behalf of complainant, on instructions does not dispute the statement made by learned counsel for

petitioner and submits that the matter has been settled and the complainant has no objection, if the present petition is allowed.

6. In view of above recorded facts and the settlement entered into between the parties, the Investigating Officer/SHO concerned is hereby directed to admit the petitioner in case of arrest in above noted case FIR on his furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount to their satisfaction. It is also directed that in case of any change of address of petitioner or surety, the same shall be communicated to learned Trial Court as well as IO/SHO concerned.

7. It is also directed that till the second motion petition is filed and the FIRs are quashed, the petitioner shall not leave the country without prior permission of learned Trial Court.

8. Both the parties shall remain bound by the terms and conditions of the settlement dated 15.01.2016 and shall personally remain present in the Court(s) at the time of recording of their statement for second motion petition for divorce by mutual consent and quashing of the FIRs.

9. In above terms, instant petition is allowed and disposed of.

Crl.M.(Bail)No.8250/2015

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

MARCH 03, 2016

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