

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

CRM-M-38799 of 2011(O&M)

Date of decision : 11.12.2017

Udit Aggarwal and another

..... Petitioners

Versus

State of U.T. Chandigarh and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Viren Jain, Advocate
for the petitioners.

Mr.Sukant Gupta, Addl. PP.,
for U.T. Chandigarh-respondent no.1.

Mr. Amit Dhawan, Advocate
for respondent no.2.

LISA GILL,J(Oral)

Petitioners seeks the concession of anticipatory bail in FIR No.280 dated 19.10.2011, under Section 406, 498-A and 506 IPC, registered at Police Station Sector-36, Chandigarh.

It is noticed that a settlement had earlier been arrived at between the parties. CRM-M-12370 of 2015 was filed for quashing of the aforementioned FIR. The same was allowed on 23.04.2015. The present petition was rendered infructuous as the FIR in question stood quashed. However, as the terms and conditions of the settlement were not adhered to, an application in CRM-M-12370 of 2015 was moved by the respondent-wife for revival of the proceedings in FIR No. 280 dated 19.10.2011. Vide order dated 26.09.2016, said application was allowed . Proceedings in FIR No.280 dated 19.10.2011 were revived from the stage

where the same were earlier ordered to be quashed by this Court. The present petition was also revived vide detailed order dated 07.11.2016. Proceedings in criminal appeal i.e. CRA-S-544-SB of 2014 were revived as well.

It is informed by learned counsel for the parties that the matter has been finally resolved between the parties on 18.04.2017 before the Mediation and Conciliation Centre of this Court. Settlement/ agreement dated 18.04.2017 is attached with this file. It is further informed that petition under Section 13-B of the Hindi Marriage Act, 1955 filed by the petitioner no.1 and respondent no.2 has since been allowed on 30.11.2017. The entire settled amount has been duly handed over to respondent no.2. It is thus prayed that this petition be allowed.

Learned counsel for the petitioners as well as the complainant-respondent no.2 submits that a separate petition shall be filed for quashing of FIR No. 280 dated 19.10.2011.

Learned counsel for the complainant-respondent no.2 affirms and verifies the factual position as above. It is submitted that in view of the full and final settlement, which has been arrived at between the parties as well as grant of divorce in a petition under Section 13-B of the Hindu Marriage Act, 1955, respondent no.2 has no objection in case the present petition is allowed.

Keeping in view the facts and circumstances as above, specifically the settlement arrived at between the parties, but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed.

In the event of arrest of the petitioners, they be released on bail to the satisfaction of the Arresting/investigating Officer. Petitioners shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

11.12.2017

s.khan

**(LISA GILL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable:Yes/No