

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

CRR No. 1762 of 2015(O&M)

Date of decision: 2.5.2017

Amar Pal and another

....Petitioners

VERSUS

State of Haryana

.....Respondent

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Ravi Malik, Advocate for
Mr. S.K. Panwar, Advocate for the petitioners.

Mr. Vikas Malik, DAG, Haryana.

Mr. Jagjit Beniwal, Advocate
for the complainant.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against the consistent findings recorded by the Courts below whereby the petitioners have been convicted and sentenced for commission of offence punishable under Section 498-A, 323, 506 of the Indian Penal Code, 1860 (in short 'IPC')

Counsel for the parties are *ad idem* that dispute arising out of the matrimonial disharmony has been settled between the petitioners and the complainant vide Settlement/ Agreement dated 13.08.2015 effected in the Mediation and Conciliation Centre of the Punjab and Haryana High Court, Chandigarh. It has further been agreed that in pursuance of the compromise an amount of Rs.10 lakhs has been paid to the complainant and land measuring 8 kanals has been transferred in the name of minor child born out of the wedlock of petitioner No.1 and the complainant. Marriage of the petitioner No.1 and complainant has been dissolved by a decree of divorce passed under Section 13-B of the Hindu Marriage Act,

1955. The original transfer deed executed in favour of the minor child has been handed over by counsel for the petitioners to counsel for the respondent today in the Court. Counsel for the respondent/complainant would state that though the land has been transferred in the name of minor child but its possession has not been handed over to the complainant. Counsel for the petitioners would State that land is lying vacant and the petitioners have got no objection if the complainant takes over its possession and put it to use. It has further been submitted by counsel for the parties that as dispute has been settled by way of compromise, sentence awarded to the petitioners may be reduced to the period already undergone.

In view of the above, as dispute arising out of marital discord stands settled vide settlement/agreement dated 13.08.2015 and the parties have already complied with the terms and conditions incorporated therein with liberty to the complainant to take over possession of land already transferred in the name of minor, it would be expedient in the interest of justice that sentence awarded to the petitioners is reduced to the period already undergone and ordered accordingly.

For the foregoing reasons, the petition stands disposed of with modification in the aforesaid terms.

MAY 2, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no