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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 1457/2017

AMIT GANDHI & ORS

..... Petitioners

Through: Mr.Abhishek Chakraborty, Advocate
for Mr.Sumit Kumar, Advocate.

versus

STATE & ORS

..... Respondents

Through: Mr.Kewal Singh Ahuja, APP for the
State with W/SI Kamlesh Meena
PS Mehrauli

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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21.08.2017

1. The petitioners have filed the instant application under Section 438 CrPC seeking anticipatory bail in case FIR No.1434/2016 under Section 498-A/406 IPC, registered at PS Mehrauli, Delhi.
2. Status report has been filed by the State mentioning therein that parties have settled their dispute amicably. Copy of the settlement deed dated 4th August, 2017 has also been annexed with the status report.
3. As per the settlement deed, the parties have agreed to the following terms and conditions :-

'1. That in pursuance of the settlement/compromise arrived between the First and Second Party both the parties have reconciled their issues and have settled the matter. The first party has agreed to pay total amount of Rs.10,50,000/- (Rupees ten lakhs fifty thousand only) to the second party for full and final settlement.

2. The first party shall pay an amount of Rs.10,50,000/- (Rupees ten lakhs fifty thousand only) to the second party for full and final settlement in three instalments as mentioned herein under :

(1) Demand draft bearing No.357020 Bank, Punjab & Sind Bank of Rs.3,00,000/- (Rupees three lakhs only) at the time of signing this present MOU/settlement on today i.e. 04.08.2017.

(2) Rs.3,00,000/- (Rupees three lakhs only) at the time of quashing of FIR No.1434/16 u/s 406/498A IPC before the Hon'ble High Court.

(3) Rs.4,50,000/- (Rupees four lakhs fifty thousand only) at the time of recording of statement in second motion.

3. The second party shall withdraw the cases against the first party and his father i.e. (1) under Section 12 D.V. Act, titled as "Mamta Gandhi Vs. Amit Gandhi" pending before the Court of Ms. Niti Phutela, Ld.M.M., Mahila Court, Saket, (2) under Section 509 I.P.C. titled as "State Vs.Sunil Gandhi" pending before the Court of Sh.Sandeep garg, ACMM, Saket, on 11.8.2017 and sign and jointly file a petition for divorce and thereafter make statements before the Hon'ble Family Court in the Divorce petition at the stage of first motion and second motion. Moreover, the first party shall move quashing petition before the Hon'ble High Court of Delhi in connection of the quashing FIR No.1434/16 u/s 406/498A IPC, PS Mehrauli and pay Rs.3,00,000/- (rupees three lakhs) to the second party at the time of recording her statement before the Hon'ble High Court. Rest amount of Rs.4,50,000/- (Rupees four lakhs fifty thousand only) shall be given in the mode of demand draft by the first party to the second party at the time of recording the statement of the second party under the state of second motion before the Hon'ble Judge of Family Court.

4. That it has been agreed between the first party and second party that at the time of execution of this MOU/Settlement the first party and second party stands settled their all disputes.

5. That the consent for signing this MOU/settlement deed and settlement of dispute between the first party and the second party have been given by the parties out of their free wish and accord and not under any pressure, inducement, coercion, compulsion, force, and fraud.

6. That it has been further resolved that by the signing and execution of this deed of compromise the parties hereto undertake to abide by the terms and condition of this compromise deed and no party shall ever make any default or breach of this settlement/MOU. '

4. Learned counsel for the petitioner submits that in terms of the settlement first instalment has already been paid to the complainant by demand draft and photocopy of the same placed on record.

5. Considering that it is a matrimonial dispute and parties have arrived at an amicable settlement, subject to the petitioner complying with the terms and conditions of the settlement, it is directed that in the event of arrest, the petitioner be released on bail on their each furnishing personal bond in the sum of ₹25,000/- with one surety each in the like amount to the satisfaction of IO/SHO concerned. However, the petitioners are directed to join the investigation as and when required by the IO/SHO concerned.

6. Application is allowed.

7. As prayed, copy of the order be given dasti to learned counsel for the petitioners.

PRATIBHA RANI, J.

AUGUST 21, 2017

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