

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

244

CRM-M-40637-2018

Date of Decision:31.10.2018

Harish Chander Sharma and others

.....Petitioners

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. M.S. Saini, Advocate,
for the petitioners.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of a direction to respondent Nos.1 to 4 to provide protection to the life and liberty of the petitioners at the hands of respondent Nos.5 to 8.

Mr. Rajeev Dev Sharma, Advocate, has put in appearance on behalf of respondent Nos.5 to 8 and filed his power of attorney, which is taken on record.

Virtually, the dispute is matrimonial in nature. Petitioner No.1 is married with respondent No.5-Archana and therefore, noticing this fact this Court vide order dated 14.09.2018 had directed the parties i.e. petitioner No.1 and respondent No.5 to appear before the Mediation & Conciliation Centre of this Court so as to arrive at some amicable settlement.

Pursuant to the aforesaid order, the parties have joined the mediation proceedings and with the efforts of Mr. Gaurave Bhayyia

Gilhotra, Advocate, (Mediator), the matter has been compromised for which

a settlement/compromise-deed dated 22.10.2018 has been reduced into writing between the parties. The terms & conditions of the settlement as referred in paragraph 5 are reproduced hereunder:-

“The parties hereto confirm and declare that they have voluntarily and of their own free will, arrived at this Settlement/Agreement in the presence of the Mediator/Conciliator, on the following terms and conditions:-

a) It has been agreed between the parties that both the parties will file divorce petition under Section 13-B of Hindu Marriage Act by way of mutual consent before the Competent Court at SAS Nagar, Mohali within two month from 31.10.2018. Both the parties will fully co-operate with each other in the filing the abovesaid divorce petition. The first party shall bear the expenses of filing and final disposal of the divorce petition under Section 13-B under HMA at SAS Nagar Mohali.

b) That it has further been agreed between the parties that the first party-shall pay a lump-sum amount of Rs.10.5 Lac (Rupees Ten Lakh Fifty Thousand only) along with gold articles as a permanent alimony, future maintenance etc. and shall also hand over wooden articles furniture including double bed, dressing table, almirah and some kitchen utensil and quilts and clothes etc. alongwith education certificates of the girl. It has also been agreed between the parties that in future both the parties will not make or file any civil or criminal cases, complaints in any Court or before any other authority against each other as well as their relatives and friends with regard to the present matrimonial dispute.

d) It has further been agreed between the parties that the second party-wife will not claim any expenses/maintenance etc. for past, present and future from the first party after having received the agreed amount of

Rs.10.5 Lac and finalization of divorce and receiving of gold articles.

e) That there is only one case at present pending before this Hon'ble Court which shall be also decided as per the compromise and in future no other litigation, complaint, civil suit, criminal litigation shall be pursued by either party against each other in relation to the matrimonial dispute. However, the parties have agreed to file divorce petition at SAS Nagar, Mohali which shall be filed jointly.

f) That the payment and return of articles shall be made in following terms:-

(i) That an amount of Rs.1.5 Lac alongwith gold articles and educational certificates and household goods shall be delivered to the second party on 31.10.2018 amount of Rs.1.5 Lac and gold articles and educational certificates shall be delivered to Archana Sharma before the Hon'ble Court on 31.10.2018.

(ii) That an amount of Rs.2.5 Lac shall be paid to second party on making first statement before the Ld. Court in divorce proceedings at Mohali within a period of two months. It is agreed between the parties that filing of divorce petition dates of filing and dates of appearing before the Court shall be apprised to each other on their mobile numbers given below:-

(i) Paramvir (brother of Archana) Mobile No.9988777703 e-mail ID Param 4777@gmail.com.

(ii) Harish Chander Sharma(first party)mobile No.9815690189e-mail ID Harishchandermail@gmail.com.

(iii) That remaining amount of Rs.6.5 Lac shall be paid to the second party on making second statement before the Ld. Court at Mohali in divorce proceedings.”

Learned counsel for the petitioners has argued that so far as the

Certificates, gold articles and agreed amount of ₹1.5 lac required to be paid

Certificates and gold articles have been handed over to her.

Learned counsel for respondent Nos.5 to 8 on instructions from his clients admits the receipt of these articles i.e. (i) Certificates, (ii) gold articles and (iii) ₹1.5 lac. As regards the household articles, learned counsel for the petitioners has submitted that the articles are ready to be delivered and the respondents can collect those articles during the course of the day from the residence of the petitioners i.e. Tribune Colony, Kansal.

Learned counsel for respondent Nos.5 to 8 accepts this offer.

Accordingly, the present petition is disposed of as having been rendered infructuous. The settlement so arrived at between the parties is made part of record. At the same time, it is made clear that the parties shall adhere to the terms & conditions of the compromise/settlement so arrived at between them during the mediation proceedings in letter and spirit.

Disposed of accordingly.

October 31, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No