

215.

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

CRM-M-615-2019

Date of decision:27.05.2019.

LATA KAPOOR AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Ms. Rakhi Sharma, Advocate,
for respondent No.2-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.077 dated 03.12.2018 registered under Sections 406/498-A of IPC at Police Station Women, Amritsar.

Petitioner No.1-Lata Kapoor is mother-in-law, whereas petitioner No.2-Mohit Kapoor is the husband of respondent No.2 who is the complainant in the case.

Learned counsel for the petitioners states that he has the instructions from his client i.e. petitioner No.1, who is present in the Court, as well as petitioner No.2 who is not present but have given the instructions to him that the petitioners are ready to pay a sum of Rs.10 lakhs

to respondent No.2 towards permanent alimony present, past and future including the maintenance of the minor child. He further states that the petitioners undertake to make payment of Rs.3.5 lakhs by way of bank draft in the name of respondent No.2-complainant within 10 days from today before the lower court. The petitioners further undertake that they would make the remaining payment of Rs.6.5 lakhs within 7 months from today, provided a joint petition under Section 13-B of Hindu Marriage Act is filed by the parties and the complainant appears before the Matrimonial Court in support of divorce by way of mutual consent. The agreed amount of Rs.10 lakh shall include quashing of FIR on the basis of compromise.

Counsel for the respondent No.2-complainant, on instructions from her client who is present in the Court, states that the complainant accepts this offer of Rs.10 lakhs in the manner as indicated hereinabove.

Accordingly, the order dated 10.01.2019 (whereby petitioner No.1 was granted ad-interim bail) and order dated 29.04.2019 (whereby petitioner No.2 was granted ad-interim bail) are made absolute, however, subject to the conditions that:

- (i) the petitioners shall deposit Rs.3.5 lakhs with the trial Court/Illaq Magistrate within 10 days from today by way of bank draft in the name of respondent No.2-complainant. The trial Court/Illaq Magistrate shall hand-over the said draft to the complainant against a valid receipt;
- (ii) Rs.3 lakh would be given at the first motion stage and balance amount of Rs.3.5 lakhs at second motion stage in proceedings under Section 13-B of Hindu Marriage Act, seeking divorce by way of mutual consent.

The petitioner may file a petition seeking quashing of FIR on the basis of this compromise, but the same shall be quashed only when the total balance amount of Rs.6.5 lakhs is paid.

In view of above, the present petition is allowed and the orders dated 10.01.2019 and 29.04.2019 are made absolute.

It is made clear that the amount of Rs.10 lakhs also includes the other maintenance awarded to respondent No.2-complainant in other proceedings i.e. proceedings under the Domestic Violence Act, proceedings under Section 125 Cr.P.C. or Section 24 of Hindu Marriage Act and quashing of FIR registered against the petitioners by the complainant.

(HARI PAL VERMA)
JUDGE

27.05.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No