

228.

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

CRM-M-12952-2016

Date of Decision:09.01.2019

DEEPAK GARG

... Petitioner

Versus

PRIYA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of impugned order dated 21.03.2016 (Annexure P-5) passed by learned Sub Divisional Judicial Magistrate, Hansi, whereby the application filed by the petitioner under Section 25(2) of Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act') was rejected.

Briefly stated, respondent No.1-Priya filed application under Section 12 of the Act against the petitioner and others. In the said application, learned Magistrate held respondent No.1 entitled for maintenance to the tune of Rs.20,000/- per month from the date of filing of the petition as she is entitled to enjoy the same status as that of her husband. The petitioner was accordingly directed to pay interim maintenance of Rs.20,000/- per month to the respondent from the date of filing the petition.

The petitioner moved an application under Section 25(2) of the Act for revocation or suitable modification of the order dated 19.02.2015. However, that application was dismissed by the learned Magistrate on 21.03.2016.

Aggrieved against the aforesaid order, the petitioner has filed the present petition.

Vide order dated 19.09.2017, this Court had directed the parties to appear before the Mediation and Conciliation Centre of this Court.

Pursuant thereto, the parties appeared before the Mediation Centre. The Director, Mediation and Conciliation Centre of this Court, vide his communication dated 22.09.2017, has reported that the parties have settled their dispute by way of settlement/agreement dated 19.09.2017. The relevant extract of the terms of settlement/agreement reads as under:-

“5. The following settlement has been arrived at between the parties hereto:

a) It has been decided that both the first party and the second party will part their ways for a full and final settlement of Rs. 7,00,000/- (Rupees Seven Lacs Only) and there will not be any further claim of any kind against each other by both the parties. The said Rs.7,00,000/- will be paid by the first party to the second party in two installments of Rs.3,50,000/-each.

b) It has been decided that both the parties will file a mutual divorce petition under Section 13-B before the District Judge, Hisar on or before 27.10.2017. In the said divorce petition, the first installment of Rs.3,50,000/- shall be paid by the first party to the second party on the first motion and will seek a decree of divorce without any second motion as per the new law

laid down by the Hon'ble Supreme Court. Both the parties will make their respective statements for getting a decree of divorce from District Courts, Hisar.

c) It has also been agreed that in the mean time, the first party and his relatives will file petitions before the Hon'ble High Court for quashing of the above said FIR No.488 of 2014 and complaint No.908 of 2014 filed under D.V. Act, wherein the second party would give her statement giving her no objection for the same and the above said the remaining amount of Rs.3,50,000/- shall be paid by the first party to the second party on the final outcome of this quashing petition.

d) Both the parties have decided that both of them shall withdraw/not pursue all their above said litigations filed by them against each other and against their respective relatives, on or before 27.10.2017, including the above said complaint dated 02.05.2015 filed before the Income Tax Authorities as well as the above said complaint/appeal filed before the Information Commission by the first party.

e) It has also been decided that except the above said full and final payment of Rs.7,00,000/-, there will not be any further claim of any kind of either party or their Lrs/relatives, against each other as also against their relatives/LRs.

f) That both the parties have agreed that they and/or their relatives will not file/pursue any litigation in future of any kind and will not raise any further claim against each other.

g) That both the parties undertake that the above said settlement shall always be binding upon them as well as their other relatives.

6. *By signing this Agreement the parties and all the signatories on their behalf hereto state that they have no further claims or demands against each other with respect to the present dispute amongst the parties on their behalf or on behalf of their other relatives and all the disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation and shall not institute any other case against each other with reference to all their disputes.”*

In view of the settlement so arrived at between the parties, present petition no more survives and same is disposed of as having been rendered infructuous.

The report of Mediation Centre so submitted by the Mediator, shall form part of the record.

The parties shall adhere to the terms and conditions of the settlement and shall be bound by it.

(HARI PAL VERMA)

JUDGE

January 09, 2019

Jyoti-1 Whether speaking/reasoned Yes/No Whether Reportable Yes/No