

205.

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

CRM-M-14309-2016

Date of decision:14.02.2019.

GURMIT SINGH AND ANR.

... Petitioners

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Malkeet Singh, Advocate,
for the petitioners.

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

Mr. Gaurav Singla, Advocate as Amicus Curiae,
for respondent No.2.

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.23 dated 26.02.2016 registered under Sections 406, 498-A of IPC at Police Station Women, District Ludhiana.

Vide order dated 22.09.2016, this Court had directed the parties to appear before the Mediation and Conciliation Centre of this Court. Again the matter was sent for mediation on 30.01.2017. Finally, the matter has been settled between the parties amicably on 22.01.2019 and according to the settlement, the petitioner-Gurmit Singh is required to pay an amount of Rs.10 lakhs to the respondent-wife, namely, Navdeep Kaur. The terms of settlement so arrived at between the parties before the Mediation Centre of

this Court reads as under:-

“7. The following settlement has been arrived between the Parties hereto:

a) First party has agreed to allow the custody of minor child with second party.

b) Both the parties will file application for divorce jointly on mutual consent before the District and Sessions Court Ludhiana on or before 15.02.2019. Both the parties have agreed to give statement and in lieu of that the first party will pay Rs.10,00,000/- (Rupees Ten Lacs only) lump sum to the second party for as full and final payment towards her and minor daughter. The first instalment of Rs.5,00,000/- (Rupees Five Lacs only) is being paid by the first party to second party today i.e. 22.01.2019 vide D.D. No.000223 dated 08.01.2019 of Axis Bank and second instalment of Rs.2,50,000/- (Rupees Two Lacs and Fifty Thousand only) will be made by the first party to the second party on the first hearing of date of divorce filed before the District Court Ludhiana and final instalment of Rs.2,50,000/- (Rupees Two Lacs and Fifty Thousand only) will be made by the first party to the second party on the final hearing of divorce petition. The second party and minor child will not claim over and above the said amount of settlement from the first party in future.

c) It has been further resolved between the parties that in lieu of first condition, second party will withdraw her petition filed for maintenance in District Court, Ludhiana. First party will also file petition on the basis of said compromise for quashing of FIR No.23 dated 26.02.2016 under Section 406, 498-A IPC at Police Station Women District Ludhiana against the first party and his father. The second party will have no objection if the said FIR is quashed against the first party. The first party will withdraw petition filed by him for child custody and also the petition filed under Section 9 of Hindu Marriage Act.

- d) *It has also been resolved that with regard to litigation filed by both the parties for divorce and quashing of FIR, expenditure will be borne by first party.*
- e) *Both the parties have agreed that they will have mutual respect and understanding.*
- f) *Parties have informed that except above mentioned case no other case is pending between the parties. It has been further mutually agreed by both the parties that if any complaint/case is pending before any competent court of law/authority, which is not in the knowledge of either of the parties or has escaped their attention shall also be withdrawn by them or will be treated as cancel.*
- g) *The parties further undertake not to initiate or institute any unwanted litigation against each other and their family.”*

Learned State counsel, on instructions from ASI Meet Ram, states that the custodial interrogation of the petitioners is no more required at this stage.

In view of above, present petition is allowed and the interim bail granted to the petitioners vide order dated 28.04.2016 is made absolute.

However, the parties shall adhere to the terms and conditions of the settlement dated 22.01.2019 so arrived at between them before the Mediation and Conciliation Centre of this Court.

(HARI PAL VERMA)
JUDGE

14.02.2019
sanjeev

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