

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

CRM-M-22983-2019 (O&M)
Date of Decision:-30.09.2019

RAJAN SAINI

... Petitioner

Versus

STATE OF HARYANA & ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nitin Thatai, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana
for respondent No.1.

Mr. J.S. Saneta, Advocate
for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking setting aside order dated 13th March, 2019 whereby his application seeking release of his passport has been declined.
2. Few facts necessary to notice for disposal of this petition are that respondent No.2 Kusum Rani had lodged FIR No.85 dated 7.4.2018 under Sections 323,

406, 506, 498-A IPC, Police Station Babain, District Kurukshetra against the petitioner. However, it is not disputed that the parties have now amicably resolved the matter and have decided to part ways and have already filed a petition under Section 13-B of Hindu Marriage Act wherein statements on first motion have already been recorded. It is also not disputed by learned counsel for respondent No.2 that in fact an amount of another ₹7 Lacs as agreed amongst the parties has already been paid by petitioner to respondent No.2 and that balance amount of another ₹7 Lacs is yet to be paid. Learned counsel for the petitioner has today submitted that he is willing to deposit the balance amount of ₹7 Lacs and that since he is required to go abroad in connection with his official work, his passport may be released and he may be permitted to go abroad during the pendency of the present petition.

3. Since respondent No.2 has not disputed the fact that parties have amicably resolved their issues, therefore, this Court is of the opinion that the passport can be released to the petitioner while ensuring that the petitioner does make the balance payment of ₹7 Lacs which is to be made as per settled terms for the purpose of grant of divorce by way of mutual consent. The petitioner as such is directed to handed over demand draft for an amount of ₹7 Lacs to respondent No.2 upon her appearance before the trial Court on the next date fixed before the trial Court. The respondent No.2 shall deposit the aforesaid amount in some FDR which she will be entitled to encash only after statements on second motion in petition under Section 13-B of Hindu Marriage Act are recorded.

4. The petition, as such, is accepted and the impugned order is set aside. The trial Court is directed to hand over passport in question to the petitioner subject to proper receipt and identification. It is however clarified that the petitioner would be required to seek permission of the Court concerned in case he has to travel abroad.

(GURVINDER SINGH GILL)
JUDGE

30.09.2019
Gaurav Sorot

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