

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

**CRM-M No.38628 of 2019 (O&M)
Date of Decision: 19.12.2019**

Saroj Madan and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Vipul Babuta, Advocate for the petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab
for the respondent/State.

Mr. S.S.Rangi, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioners in case bearing FIR No.0246 dated 16.08.2019, under Sections 306, 120-B and 506 of the Indian Penal Code, 1860, registered at Police Station Division No.8, District Ludhiana.

This Court, on 24.09.2019, passed the following order:-

“ xxxxxx.

Contents that from the entire perusal of alleged suicide note, there is no abetment made out against the petitioner. Further contends that merely asking to vacate the premises cannot be construed as an offence under Section 306 IPC.

Learned State counsel seeks time to have instructions regarding the FSL report in the matter.

Adjourned to 31.10.2019.

In the meanwhile, the petitioners are directed to join the investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to

interim bail till the next date of hearing on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C. ”

In terms of previous order dated 31.10.2019, passed by this Court, both sides appeared before the Mediator and report to that effect has been received, which shows that matter has been amicably settled. Even before this Court also, the settlement of the dispute has been acknowledged by both sides i.e. petitioners as well as complainant. Both sides have pointed out that they will abide by the terms and conditions entered into between the parties and which are as under:-

- “ (i) Both the parties are closed relatives. First party is mother-in-law of second party. Husband of the second party had died unnatural death and the second party lodged a FIR against the first party (Mother-in-law Saroj Madan) Rupam – Sister-in-law and Monika Sister - in - law.*
- (ii) That the first party is the owner in possession of H. No. 202, New Kundanpuri, Depot Wali Gali Ludhiana measuring 150 Sq. Yards two storeys built house. First party is in possession of ground floor and second floor of the said house in possession of second party.*
- (iii) That both the parties agreed that the said house to be sold with the consent of both the parties and the sale consideration amount of house in question shall be divided as 50% each. It is also agreed that both the parties will try their best to sell the house in question for maximum genuine price. It is also agreed that at the time of sell the house in question the consent of both the parties is required and the selling amount of the house in question will be shared as 50% each.*
- (iv) That second party had lodged an FIR 246 dated 16.8.2019 registered under Section 306,120-B, 506 IPC at Police*

Station Ludhiana against first party and others. First party has approached this Hon'ble Court for anticipatory bail and the case is fixed for 19.12.2019.

- (v) That second party is due to bound to appear and suffer a statement before the Hon'ble Court at the time of hearing of the case fixed for 19.12.2019 in favour of the first party.*
- (vi) That both the parties agreed that first party will file quashing of the abovesaid FIR before this Hon'ble High Court on the basis of compromise/settlement. Second party will appear and suffer statement in favour of first party before the Learned Trial Court or any competent Court. The second party has agreed not to pursue against the first party in future.*
- (vii) That Late Aman Madan, husband of the second party had filed the civil suit titled as "Aman Madan Vs. Saroj Madan and others" pending for 19.12.2019 before Competent Court Ludhiana and another case titled as "Aman Madan Vs. Saroj Madan" pending for 11.2.2020 before Ld.District Judge, Ludhiana. The second party will withdraw the two suits/cases pending against first party on behalf of her husband since her husband has died on the fixed date or filing a fresh application for withdraw.*
- (viii) That the custody of both the children namely – Sania – 17 years and Sam - 13 years will remain with the second party and first party has right the visit or meet the children as per the wish of both the parties in future. That first party will not interfere into the life of second party and her children in future. Second party would be free to decide second marriage or not. The first party would have no objection/interference in the life of second party.*
- (ix) That first party has agreed that she will withdraw the civil suit or any civil proceedings pending against second party and also agreed that in future they will not initiate any civil or criminal proceedings against each other. ”*

In view of the agreed stand taken by both sides, this petition is disposed off and interim order dated 24.09.2019, passed by this Court, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

It is clarified that parties shall abide by the conditions, extracted hereinabove. In case there is breach, necessary legal consequences shall follow.

December 19, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes