

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

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Crl. Misc.No.M-19724 of 2020 (O&M)

Date of Decision:- 30.09.2020

Sujjan Singh

....Petitioner

vs.

State of Union Territory, Chandigarh

....Respondent

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. J.S. Bedi, Sr. Advocate with
Mr. Lovekirat S. Chahal, Advocate,
for the petitioner.

Mr. Ashu Mohan Punchhi, Public Prosecutor with
Mr. Anupam Bansal, Advocate for the respondent-U.T.

Mr. C.S. Bakshi, Advocate, for the complainant.

Sudhir Mittal, J. (Oral)

Learned counsel for the complainant, at the very outset, submits that he has filed reply to Crl. Misc.No.24016 of 2020 but the same has not been listed.

2. A copy of the said reply has been sent through email by learned counsel for the petitioner, who is in possession of the copy thereof. Thus, absence of the reply is no impediment in continuing with the hearing.

3. The FIR has been registered under Sections 406 and 498-A IPC on 14.01.2020 at Police Station, Women Cell, Sector 17, Chandigarh.

4. A perusal of the order sheet shows that on the very first date of hearing i.e. 28.07.2020, learned counsel for the complainant had expressed the desire of the complainant to reach out of Court settlement. Thus, the parties have appeared before Mr. Atul Lakhanpal, Sr. Advocate on a

number of dates. This fact is not denied by either of the learned counsel.

5. Today, learned counsel for the complainant has submitted that Mr. Atul Lakhanpal, Sr. Advocate has sent a whatsapp message to the complainant that she may approach the High Court for getting the Mediator changed as she has apparently lost confidence in him. Thus, it is necessary to get the mediation conducted through somebody else.

6. Learned Senior counsel for the petitioner states that mediation proceedings would serve no fruitful purpose. Initially, the complainant herself expressed a desire for mediation but now she is backtracking. Whatsapp message referred to by learned counsel for the complainant is just an excuse. The said message was justified as the complainant had sent a message annexed as Annexure A with the reply to Crl.Misc.No.24016 of 2020 to Mr. Atul Lakhanpal, Senior Advocate, expressing her dissatisfaction with the mediation proceedings as allegedly Mr. Lakhanpal had told her to settle for divorce and a one time settlement. A Mediator is entitled to reach his own conclusions based on his interactions with the parties and may suggest various solutions. The same can never be construed to be an expression of bias.

7. From the record, it is evident that the petitioner has joined investigation and is cooperating therewith. Recoveries have also been effected in the presence of the police although learned counsel for the complainant submits that the gold jewellery of the complainant has yet not been recovered.

8. Thus, interim order dated 25.08.2020 is made absolute. The police will be at liberty to ask the petitioner to join investigation whenever required by it. For this purpose, a two weeks' notice shall be given to the

petitioner through electronic means. The petitioner is directed to submit his whatsapp ID, mobile number as well as email ID to the concerned Investigating Officer. He shall further submit a written undertaking that he will appear as and when required. The complainant shall be at liberty to make further applications to the police for getting recovery of the gold jewellery effected.

9. The complainant is also at liberty to approach the Mediation and Conciliation Centre of this Court for getting her matrimonial dispute resolved, if so advised.

10. Petition stands disposed off.

September 30, 2020
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned **Yes**

Whether Reportable **No**