

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-23951 of 2020 (O&M)
Date of decision: August 28, 2020

Neha Vats ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.
Mr. K.K. Chahal, Addl. Advocate General, Haryana.
Mr. Udayveer Singh, Advocate for respondent No.4.

Ashok Kumar Verma, J.

Case taken up through Video Conferencing.

CRM-20589-2020:

This application is filed under Section 482 Cr.P.C. seeking exemption from filing the certified copies of Annexures. Application is allowed as prayed for.

CRM-M-23951-2020:

This is a petition under Section 482 Cr.P.C. seeking direction for implementation of the settlement/agreement dated 09.12.2019 (Annexure P-2) entered into between the parties in CRM-M-37589 of 2019 titled as *Mayank Sharma Vs. State of Haryana and others*.

Learned counsel for the petitioner contends that the matter has since been compromised between the parties vide agreement dated

9.12.2019 (Annexure P-2) when the matter was pending for anticipatory bail in CRM-M-37589 of 2019. The settlement was arrived at between the parties on 9.12.2019 due to intervention of mediation and conciliation centre of this court. Petition for quashing of FIR was filed by private respondent and a coordinate bench of this court was pleased to pass the following order:-

“128- CRM-M-4052-2020.

MAYANK SHARMA AND ORS VS STATE OF HARYANA AND ANOTHER.

Present:- Mr. Munish Mittal, Advocate for the petitioners.

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of the FIR along with all consequential proceedings arising therefrom on the basis of compromise entered into between the parties.

Notice of motion.

Mr. Gaurav Singla, Advocate for Mr. Sanjiv Gupta, Advocate has put in appearance on behalf of respondent no.2-complainant and filed his memo of appearance in Court, which is taken on record. He admits the factum of compromise between the parties.

As per the terms of the compromise, counsel for the petitioner has given a sum of Rs.2,00,000/- to the counsel for respondent no.2-complainant in Court to be handed over to the complainant.

List on 13.05.2020.

In the meanwhile, the parties are directed to appear before Illaqa Magistrate/trial Court for recording of their respective statements with regard to compromise, on 12.03.2020.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR.
- (ii) Whether any accused is proclaimed offender.
- (iii) The stage of trial/proceedings. (iv) Whether the compromise

is genuine, voluntary, and without any coercion or undue influence.

January 30, 2020

(HARI PAL VERMA)
JUDGE”

On the date fixed i.e. on 12.3.2020 the petitioner could not appear before the trial court due to communication gap and as such her statement could not be recorded. Thereafter, due to COVID-19 pandemic and lock down the proceedings could not be done.

He has further contended that a joint petition for seeking divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act was filed in which joint statement of first motion was recorded before the Family Court at Panipat. Thereafter, matter was adjourned for 01.08.2020 for recording statement of second motion. However, due to COVID-19 pandemic the court was closed and as such, the statement could not be recorded. The petitioner is having urgency in the matter because she has got the admission in Scotland and is bound to travel there to get her further studies from 14.9.2020. All the process with respect to Visa and passport has already been done. It is further prayed that appropriate direction for implementation of compromise dated 9.12.2019 (Annexure P-2) may be given and parties may be allowed to appear before the concerned courts to get recorded their statements in view of above said compromise (Annexure P-2).

Learned State counsel has no objection if the petition filed by the petitioner is allowed.

Learned counsel for respondent No.4 has admitted the contentions advanced by learned counsel for the petitioner and has not

opposed the prayer made in the petition.

I have heard learned counsel for the parties and perused the paper book.

Having regards to the terms of settlement/agreement dated 9.12.2019 (Annexure P-2) coupled with the COVID-19 pandemic and in order to do substantial justice to the parties, the present petition is hereby disposed of with the direction that the parties i.e. petitioner and respondent No.4 shall appear before the Family Court at Panipat on 31.8.2020 for getting their statements of second motion recorded in the petition for divorce under Section 13-B of the Hindu Marriage Act. It is further directed that the parties will also appear before the Chief Judicial Magistrate, Karnal on the same date i.e. 31.8.2020 for getting their statements recorded regarding compromise in compliance of order dated 30.01.2020, passed by a coordinate bench of this court and the trial Magistrate/Chief Judicial Magistrate, shall forward the report regarding the compromise in terms of order dated 30.01.2020 to this court without any further delay.

With these directions present petition stands disposed of.

Keeping in view the urgency, copy of the order be given to the learned counsel for the petitioner under signatures of the Bench Secretary.

(ASHOK KUMAR VERMA)
JUDGE

August 28, 2020
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No