

201.

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

CRM-M-38391-2019

Date of decision: 17.12.2020.

SUKHWINDER KAUR AND ANOTHER ... Petitioners

versus

STATE OF PUNJAB Respondent

II.

CRM-M-43272-2019

NIRVAIR SINGH ... Petitioner

versus

STATE OF PUNJAB Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. G.S. Sandhu, Advocate, for the petitioner(s).

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. S.K. Choudhary, Advocate, for the complainant.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This order shall dispose of two petitions i.e. **CRM-M-38391-2019** titled as **Sukhwinder Kaur and another Versus State of Punjab** and **CRM-M-43272-2019** titled as **Nirvair Singh Versus State of Punjab**.

Prayer in both the petitions filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner(s) in case FIR No.75 dated 01.08.2019 registered under Sections 494, 498-A, 323 of IPC at Police Station City Zira, District Ferozepur.

In CRM-M-38391-2019, petitioner No.1-Sukhwinder Kaur is

mother-in-law of the complainant, whereas petitioner No.2-Paramjit Singh is brother-in-law (*Devar*). The third accused-Nirvair Singh (in CRM-M-43272-2019) is the husband of the complainant.

It being a matrimonial dispute between the parties, the matter was referred to the Mediation and Conciliation Centre of this Court and the parties were directed to appear there. The parties have participated in the mediation and the matter was compromised between them. A settlement/agreement dated 28.01.2020 has been reduced into writing before the Mediation and Conciliation Centre of this Court.

The counsels are *ad idem* that the accused have agreed to make a lumpsum one time settlement amount of Rs.6 lakhs to the complainant-Harjit Kaur as permanent alimony (present, past and future maintenance) and compensation of all the gift articles including Istridhan of the complainant as a full and final settlement of all the disputes between them.

Counsel for the petitioner(s) submits that the first installment of Rs.1 lakh was to be paid by the petitioner-accused by way of demand draft/bank cheque on 18.02.2020, but the same could not be deposited because of Covid-19 epidemic, as the proceedings in the case were adjourning repeatedly. However, the petitioner undertakes to honour the settlement in its true spirit and in order to show his bona fide, he undertakes to deposit Rs.1 lakh in the bank account of the complainant-Harjit Kaur within one week from today. He further submits that the petitioner and the complainant would file a petition under Section 13-B of Hindu Marriage Act and at the time of recording the statement of the parties at first motion stage, the petitioner-Nirvair Singh would pay a sum of Rs.2 lakh to the respondent-

complainant, whereas the remaining amount of Rs.3 lakhs would be paid at the time of recording statement at the second motion stage.

Counsel for the complainant has not raised any objection regarding the schedule of payment as it is as per the consonance of the settlement so arrived at. He has no objection in case present FIR is quashed on the basis of compromise.

Accordingly, both the petitions are disposed of at this stage.

In view of the statement made by the counsel for the petitioner(s), the petitioner is hereby directed deposit Rs.1 lakh in the account of the complainant (Account No.31640405124, IFSC-SBIN0001776) within one week from today, whereas the remaining amount of Rs.5 lakhs would be paid in proceedings under Section 13-B of Hindu Marriage Act as per the terms of the settlement.

In view of the statement made by the counsel for the petitioner(s), the orders dated 10.09.2019 passed in CRM-M-38291-2019 and dated 14.10.2019 passed in CRM-M-43272-2019 are made absolute.

However, in case the petitioner fails to deposit the amount of Rs.1 lakh in the account of the complainant within one week from today, the interim shall deem to have been vacated and would result dismissal of these petitions without any further reference to this Court.

(HARI PAL VERMA)
JUDGE

17.12.2020
sanjeev

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