

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

306

CRM-M No.44032 of 2023

Date of Decision : 14.11.2023

Rajeev Arora

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Abdul Sattar, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab for respondent No.1.

Mr. Varun Goyal, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.59 dated 18.07.2023 under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Women Cell, Amritsar, District Amritsar.

2. On 05.09.2023 the following order was passed :

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.59 dated 18.07.2023 under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Women Cell, Amritsar, District Amritsar.

Learned counsel for the petitioner, at the outset, states that the mother of the petitioner was granted the concession of anticipatory bail and she has since joined

the investigation. Learned counsel for the petitioner would further contend that the petitioner is willing to return the gold articles of the complainant as well as to settle the matter.

Notice of motion.

Mr. M.S. Tiwana, AAG Punjab, who is present in Court, accepts notice on behalf of the respondent No.1-State while Mr. Varun Goyal, Advocate accepts notice on behalf of respondent No.2-complainant and has filed his vakalatnama, which is take on record.

Learned counsel for respondent No.2-complainant states that 9.5 tolas of gold articles are yet to be recovered from the petitioner. He, however, states that respondent No.2-complainant is open to exploring the possibility of a compromise.

Learned State counsel has pointed out that the bills qua the purchase of gold are of about Rs.2,00,000/-. Learned counsel for respondent No.2-complainant, however, states that as per his instructions the mother of the petitioner has made a statement that 9.5 tolas of gold, which constitute the istridhan of the complainant, is still in the custody of the mother of the petitioner.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 18.09.2023. On the said date, the petitioner shall bring a demand draft of Rs.30,000/- in the name of respondent No.2-complainant towards litigation expenses which shall be handed over to respondent No.2-complainant before the Mediator. Additionally, to show his bonafides, the petitioner shall also deposit an amount of Rs.3,00,000/- with the Registrar General of this Court which shall be invested in an FDR in some nationalized bank.

To await report of the Mediator, list on

14.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner states that the parties have since entered into a compromise before the Mediation and Conciliation Centre of this Court on 03.10.2023, which has also been reduced into writing.

4. Learned counsel for the complainant states that the parties have since compromised the matter before the Mediation and Conciliation Centre of this Court and as per the settlement it has been agreed as follows :

“a) The parties have mutually agreed to put an end to litigation present and future. The first party-husband has agreed that he will pay a lump sum amount of Rs.9,00,000/- (One Nine Lacs Only) in two installments to the second party as permanent alimony past, present and future.

b) That the first party-husband and his mother will file petition for quashing of the FIR before this Hon'ble High Court within two months from today and in the said petition at the time of statements of both the parties before this Hon'ble Court, the first party-husband would hand over Rs.4,50,000/- (Rupees Four Lacs Fifty Thousand Only) to the second party and the second party will give her no objection for quashing of the FIR.

c) That the second party-wife would also withdraw her other two litigations filed by her against the first

party-husband and his family members within two months from today.

d) That both the parties will file a mutual divorce petition before the learned Family Courts at Amritsar and make their respective statements granting divorce to each other. The rest of Rs.4,50,000/- (Rupees Four Lacs Fifty Thousand Only) shall be paid by the first party to the second party at the time of second motion in the said divorce petition.

e) That it has also been agreed that all the expenses to be incurred on filing the quashing petition and mutual divorce petition shall be borne by both the parties equally.

f) That it is also agreed that after the payment of said amount, there shall be no claim whatsoever of either of the parties against each other and their relatives of any kind including towards the moveable or immovable properties/assets, etc. And whatever articles lying with either of parties shall remain with them only and there will be no future claim of any party against each other.

g) That it is also agreed that both the parties will not file/pursue any future litigation against each other and their family members.”

5. Learned counsel for respondent No.2 states that respondent No.2 would have no objection if the order dated 05.09.2023 is confirmed in view of the terms of the settlement arrived at between the parties

6. Learned State counsel has stated that the petitioner has since joined the investigation and fully cooperated and that he is no longer required for further custodial interrogation as of now. Learned State counsel has further pointed out that the parties have since entered into a compromise.

7. In view of the above, the order dated 05.09.2023 is made

absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

8. Disposed off accordingly. Pending applications, if any, also stand disposed off.

14.11.2023

jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO