



CRM-M-12301-2025(O&M)

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

204

CRM-M-12301-2025(O&M)

Date of Decision: 27.05.2025

Usha Garg and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Shiv Kumar Sharma, Advocate for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Hirdey Jeet Singh, Advocate for the complainant.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest, the petitioners have filed this petition under Section 482 of BNSS for grant of anticipatory bail in case bearing FIR No.102 dated 05.10.2024, under Sections 406 and 498A IPC, registered at Police Station NRI, District SAS Nagar.

2. Vide order dated 28.04.2025, the parties were directed to appear before the Mediation and Conciliation Centre of this Court to explore the possibilities of an amicable settlement between the parties. As per the mediation report, parties have settled their dispute. The terms and conditions of the settlement/compromise read as under:-

“a) It is mutually agreed between the parties that they will part ways peacefully by seeking decree of divorce by mutual consent.

b) It is mutually agreed between the parties that the first party will pay Rs.25,00,000/-(Rupees Twenty Five Lakhs Only) to the second party as alimony for past, present and future. After the said payment nothing shall be due against the first party. The second party shall have no claim in the property movable or immovable after the present settlement. It has been further



agreed that the second party will withdraw her name from the joint accounts with the first party (Sr. No. 3)- Nishant Garg.

c) That the first party will pay an amount of Rs. 12,50,000/- (Rupees Twelve Lakhs and Fifty Thousand only) out of total settled amount of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) on first motion and remaining amount of 12,50,000/- (Rupees Twelve Lakhs and Fifty Thousand only) on the second motion of mutual divorce petition. The above said amount shall be paid through demand draft or by way of bank transfer. The bank account No. of the second party is 50100069776351, Bank- HDFC, 3B2 SAS Nagar Mohali, IFSC Code HDFC0001209, PAN No. FQAPS8250M.

d) That it is agreed between the parties that the petition under Section 13-B will be filed on or before 15.07.2025. The parties will cooperate with each other in filing the petition. The parties will bear the expenses on their own of future litigation i.e 13-B and quashing petition.

e) That after filing the first motion of Section 13-B of Hindu Marriage Act, first party will file the quashing petition on the basis of compromise and the second party will be bound to give the no objection/statement before the trial Court qua the quashing of the abovesaid FIR, on the basis of present settlement/compromise.”

3. This Court on 05.03.2025 while issuing notice of motion, directed the petitioners to join investigation and passed the following order:-

“Apprehending arrest the petitioners have filed this petition under Section 482 of BNSS for grant of anticipatory bail in case bearing FIR No.102 dated 05.10.2024, under Sections 406 and 498-A IPC, registered at Police Station NRI, District SAS Nagar.

2. Learned counsel for the petitioners submits that petitioner No.1 and petitioner No.2 are the mother-in-law and father-in-law of the complainant, aged 65 and 67 years, respectively. He contends that the petitioners have been falsely implicated in this case and that there is no evidence to substantiate the allegations made in the FIR. It is submitted that the complainant stayed in the matrimonial home for a short duration of 25 days. Further, no gold or dowry articles were entrusted to the petitioners, and any articles in their possession have already been returned to the complainant.

3. Notice of motion.

4. Mr. Davinder Bir Singh, Sr. DAG, Punjab waives service of notice on behalf of the respondent-State and seeks time to file reply.

5. List on 28.04.2025.

6. In the meantime, arrest of the petitioners shall remain stayed and they are directed to join investigation before the Investigating Agency/Officer. They shall abide



by the following conditions as envisaged under Section 482(2) BNSS:-

1) That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so.

2) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

3) That the petitioners shall not leave India without prior permission of the Court.”

4. Learned State counsel on instructions from ASI Raj Kumar- Investigating Officer(s), submits that in compliance of the aforesaid order, the petitioners have joined the investigation and are not required for any further investigation.

5. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 05.03.2025 passed by this Court, is hereby made absolute.

6. This order should not be treated as "blanket" order. It will not be read granting the petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioners.

8. The accused/petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.

9. The accused/petitioners shall not leave India without prior permission of the Court.



10. The accused/petitioners shall join the investigation as and when called by the police.
11. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS (erstwhile Section 439(2) of the Code of Criminal Procedure, 1973) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

27.05.2025
Kapil

(KIRTI SINGH)
JUDGE

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