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

Sr. No.207

CRM-M-60984-2024 (O&M)
Date of decision : 28.04.2025

Yogeshwar Kumar

..... Petitioner

VERSUS

State of Haryana and another

..... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Naresh Kaushik, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Sushant Gupta, Advocate for respondent No.2.

KIRTI SINGH, J. (Oral)

1. Prayer in the present petition filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) is for grant of anticipatory bail to the petitioner, in case FIR No.56 dated 25.10.2024, under Section 498-A IPC, registered at Women Police Station Panchkula, District Panchkula.

2. Vide order dated 05.12.2024, the parties were directed to appear before the Mediation & Conciliation Centre of this Court to explore the possibility of amicable settlement.

3. As per report dated 08.04.2025 received from the Mediation & Conciliation Centre of this Court, the matter has been amicably settled between both the parties and they have agreed to the following terms & conditions of the compromise/settlement:-

*a). That parties i.e. Yogeshwar Kumar and Shivani
have mutually agreed and decided to part ways and get their*

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marriage dissolved by way of obtaining decree of divorce on the basis of mutual consent under section 13-B of Hindu Marriage Act, 1955. The parties i.e. Yogeshwar Kumar and Shivani shall file a petition under Section 13-B of Hindu Marriage Act, 1955 in the competent Court at Panchkula, before 28th April, 2025. Both the parties shall co-operate with each other for filing the petition under Section 13-B of HMA and the expenses for filing the same shall be borne jointly by both the parties. Both the parties shall be bound to make statement in the said petition filed by the parties jointly under 13-B of Hindu Marriage Act, 1955.

b) It has been agreed between the parties that the husband/first party-Yogeshwar Kumar shall pay a total lump-sum amount of Rs. 7,50,000/- (Rupees Seven Lakh and Fifty Thousand only) to the wife/second party- Shivani, who accepts the same. This amount shall be towards the permanent alimony and maintenance (past, present and future) of the wife/second party and it shall be full and final settlement for her. The amount of Rs. 7,50,000/- (Rupees Seven Lakh and Fifty Thousand only) shall be paid by the first party/husband to the second party/wife in the following manner:

1. The first instalment of Rs. 3,75,000/- (Rupees Three Lakh and seventy five Thousand only) will be paid by the first party/husband-Yogeshwar Kumar to the second party/wife-Shivani in the form of Bank Draft in the Ld. Court on the day of recording of first motion statement in the divorce petition by mutual consent under Section 13-B of the Hindu Marriage Act.

II. The second/final instalment of Rs. 3,75,000/- (Rupees Three Lakh and seventy five Thousand only) will be paid by the first party/husband-Yogeshwar Kumar to the second party/wife-Shivani in the form of Bank Draft in the Ld. Court on the day of recording of the second/final motion statement in the divorce petition by mutual consent under Section 13-B of the Hindu Marriage Act.

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c) In addition to the above, on the day of recording of first motion statement in the divorce petition by mutual consent under Section 13-B of the Hindu Marriage Act:

1. The first party-Yogeshwar Kumar shall return/hand over the following items/gold/silver articles to the second party-Shivani:

(1) One Double Bed, One Sofa Set, One Centre Table, One pair of Mattresses, One Blanket, One Almirah, One Refrigerator, One Washing Machine, One LED TV, One Cooler, One Iron Petti, One Sewing Machine, One Mixer, One Iron, One Fan, One Trolley bag, Utensils, Crockery.

(II) Four Gold Gents Rings, one Gold Kada, one Silver payal, one pair Gold Topas, one gold Kitty necklace.

AND

ii. The second party-Shivani shall return/hand over the following items/gold/silver articles to the first party-Yogeshwar Kumar:

(1) One gold Gents Ring, one gold mangalsutra, three wrist watches and one Silver payal.

d) It has been further been agreed between the parties that the second party/complainant shall have no objection if the interim bail granted by the Hon'ble High Court to the first party vide its order dated 05.12.2024 is confirmed and the present CRM-M No. 60984 of 2024 is allowed by the Hon'ble High Court.

e) It has been further agreed between the parties that the first party shall file a petition for quashing of FIR No. 0056 dated 25.10.2024 under Sections 498-A of the IPC registered at Woman Police Station, Panchkula, Haryana and all its consequential proceedings on the basis of the present settlement/agreement before the Hon'ble Punjab and Haryana High Court, Chandigarh. The said petition shall be filed by the first party after the filing of the petition under Section 13B of

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HMA and after receipt of the first instalment of Rs. 3,75,000/-by the complainant/second party. The complainant/second party-Shivani shall have no objection if the aforesaid FIR registered against the first party is quashed by the Hon'ble High Court. The second party/complainant shall fully co-operate with the first party for getting the said FIR quashed and she shall be bound to make statement/furnish affidavit in order to facilitate the quashing of the aforesaid FIR, as required by the Hon'ble Court. The parties shall bear their own expenses for engaging their Counsels in the above-said quashing petition, which will be filed before the Hon'ble High Court.

f) That in view of the present settlement/agreement, it has further been agreed between the parties that they will withdraw all the civil and criminal cases pending between them in various Courts of Law. Thus, after the filing of the petition under Section 13B of HMA and after the receipt of the first instalment of Rs.3,75,000/-, the second party/wife shall withdraw the above mentioned petition under Section 125 Cr.P.C. bearing No. MNT125/104/2024 filed by her against first party/husband as well as petition under Section 12 read with Section 18,19, 22 and 23 of Protection of Women from Domestic Violence Act, 2005 bearing No. COMA/38/2024 filed by her against the first party/husband and his relatives which are pending in the Ld. Courts at Panchkula. And similarly, the first party/husband shall withdraw the above mentioned petition under Section 12 of Hindu Marriage Act, 1955 bearing No. HMA/275/2024 filed by him against the second party/wife, which is pending in the Ld. Courts at Panchkula.

g) It has further been agreed between the parties that they shall withdraw all the cases including complaints, if any, filed against each other or their family members before any Court of Law or any Authority in view of the present settlement/agreement.

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h) That the present settlement/agreement will be full and final and the second party shall not claim any further amount on account of alimony/maintenance and Istridhan and any share in movable/immovable property of the first party or his family members in any Court of law/authority.'

4. In view of above and the fact that the matter has been settled between both the parties, this petition is allowed. Order dated 05.12.2024 passed by a Coordinate Bench of this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) 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.

6. 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 petitioner(s).

7. The accused-petitioner(s) 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.

8. The accused-petitioner(s) shall not leave India without prior permission of the Court.

9. The accused-petitioner(s) shall join the investigation as and when called by the police.

10. 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, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of

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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.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

28.04.2025
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No