

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.390 OF 2017  
(Arising out of S.L.P.(Crl.) No.326 of 2016)

Sahil Kumar

Appellant(s)

Versus

State of Punjab and Another

Respondent(s)

O R D E R

Leave granted.

The present appeal, by special leave, calls in question the legal propriety of the order dated 14<sup>th</sup> December, 2015, passed by the High Court of Punjab & Haryana at Chandigarh in CRM-M-42471 of 2014 (O&M), whereby the accused-appellant has been denied the benefit of anticipatory bail.

When the matter was listed before the Court on 5<sup>th</sup> September, 2016, it was sent for mediation to the Supreme Court Mediation Centre. We think it appropriate to reproduce the order:-

"Learned counsel appearing for the parties submit that there is a possibility of settlement between the parties in the event the matter is referred

to the Supreme Court Mediation Centre. Accordingly, we refer the matter to the Supreme Court Mediation Centre.

We direct the parties to appear before the Mediation Centre on 23.09.2016. The Mediator would endeavour to explore the possibility of an amicable settlement between the parties and send the Report to this Court.

List the matter on receipt of Mediation Report. Till then, interim orders shall continue."

The learned Mediator has submitted the report that the mediation has failed.

In the course of hearing, certain suggestions were given to Ms. Tarannum Cheema, learned counsel appearing for the appellant-husband and Mr. M.K. Ghosh, learned counsel appearing for the informant-wife.

Learned counsel for the parties impressed upon the appellant-husband and the informant-wife and, we must appreciably state, they have arrived at a settlement. In view of the terms of the said settlement, we pass the following order:-

- (a) The appellant-husband, who has filed the divorce petition, being Divorce Petition No.6845 of 2014 before the learned District Judge, Fazilka, shall be decreed on consent and any allegation against the wife made therein shall stand expunged.

- (b) The appellant-husband shall pay a sum of Rs.50,00,000/- (Rupees fifty lakhs only), excluding the amount of Rs.4,00,000/- that has been paid today in the Court, within six months. The amount that is to be paid will cover permanent alimony as well as the maintenance for the child.
- (c) The decree shall be passed by the learned Judge after the amount is paid to the informant-wife.
- (d) The criminal proceeding forming the subject matter of F.I.R. No.158 registered at Police Station City Jalalabad, District Fazilka, that has given rise to Case No.27-1 dated 28.03.2016, pending before the court of Addl. Civil Judge (Sr. Division)-cum-S.D.J.M., Jalalabad (W), shall be deemed to have been quashed, but the order of quashment shall come into effect only after the amount is paid to the informant-wife. The learned Magistrate shall be well advised to adjourn the matter for six months.
- (e) The male child, Karnav, born in the wedlock, shall remain in the custody of the mother.
- (f) Neither the appellant-husband nor the informant-wife shall initiate any case against each other relating to any matrimonial dispute and also pertaining to the custody of the child.
- (g) The present order shall be produced before the concerned Additional District Judge and the Magistrate concerned to do the needful.

- (h) The informant-wife shall be permitted to withdraw the amount that is lying in deposit in ICICI Bank Backbay Reclamation Branch, Mumbai, and the bank shall permit withdrawal by issuing a fresh cheque book in her favour. We have so directed as the cheque book which was in the custody of the appellant-husband is presently not available. After permitting the withdrawal of the amount, the bank shall close the account.
  
- (i) If the passport of the informant-wife is in the custody of the appellant-husband, the same shall be returned within four weeks through the counsel. If the passport is not there, it shall be so intimated to the counsel of the informant-wife.

The appeal stands disposed of with the above terms.

.....J.  
[Dipak Misra]

.....J.  
[A.M. Khanwilkar]

.....J.  
[Mohan M. Shantanagoudar]

New Delhi  
February 22, 2017.

ITEM NO.4

COURT NO.2

SECTION IIB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No.326/2016

(Arising out of impugned final judgment and order dated 14/12/2015  
in CRMM No. 42471/2014 passed by the High Court Of Punjab & Haryana  
At Chandigarh)

SAHIL KUMAR

Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANR.

Respondent(s)

Date : 22/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Tarannum Cheema, Adv.  
Ms. Hiral Gupta, Adv.  
Mr. Sanjay Jain, AOR

For Respondent(s) Mr. M.K. Ghosh, Adv.  
Ms. Tina Garg, Adv.  
Mr. Ramesh Munjal, Adv.  
Mr. B. Ramana Murthy, AOR  
  
Ms. Kiran Bhardwaj, AOR  
  
Mr. Jayant K. Sud, AAG  
Ms. Jasleen Chahal, Adv.  
Mr. Ajay P. Tushir, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed  
order.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master

(Signed order is placed on the file)