

CRM-M-18310-2015**Decided on: 08.09.2015****Mahi Pal Bohat****..... Petitioner****Versus****State of Haryana and another****..... Respondents****CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr.Balkar Singh, Advocate,
for the petitioner.

Mr. D.R.Singla, DAG, Haryana.

Mr. Upender Prashar, Advocate
for respondent No.2.

M.M.S. BEDI, J (ORAL)

The petitioner seeks quashing of judgment of conviction and order of sentence recorded in Criminal Complaint No.1605/2 dated 01.06.2010, under Section 138 of the Negotiable Instruments Act, 1881 and all the subsequent proceedings, on the basis of compromise.

Perusal of the petition indicates that appeal against conviction of the petitioner is pending before the Additional Sessions Judge, Ambala wherein on account of non appearance of the petitioner, non-bailable warrants have been issued against him.

Counsel for the complainant has appeared before this Court and stated that the matter has been compromised and that the complainant has no objection in case the proceedings are quashed on the basis of matter having been compounded.

In view of the above circumstances, this petition is disposed of with a direction that petitioner will put in appearance before the lower Appellate Court within a period of one month after the receipt of certified copy of this order. The lower Appellate Court shall dispose of the appeal as compounded.

Mr. Rahul Mohan, Deputy Advocate General, Haryana, appearing for the State, states that the petitioner had assaulted the police officials, who had gone to execute non bailable warrants against the petitioner and as such another criminal case has been registered against him.

Without expression of any opinion regarding the culpability of the petitioner, it is ordered that on appearance of the petitioner before the lower Appellate Court within a period of one month, the said Court shall dispose of the appeal as compounded and would release the petitioner considering the matter having been compounded. It is made clear that in case the petitioner opts to not appear before the lower Appellate Court as per directions, it will be open to the lower Appellate Court to pass any order in accordance with law against the petitioner irrespective of the compounding. It is made clear that in case petitioners opts not to appear before the lower Appellate Court as directed, this petition will be deemed to have been dismissed.

(M.M.S. BEDI)
JUDGE

September 08, 2015
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