

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-32865 of 2014 (O&M)

Date of Decision: 09.10.2015

Mahesh Inder Singh

...Petitioner(s)

Versus

Krishan Kumar Gora

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Sandeep Puri, Advocate
for the petitioner (s).

Ms. Amanpreet Kaur, Advocate for
Mr. HNS Gill, Advocate
for the respondent.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of Criminal Complaint No.RBT 188/13 titled '*Krishan Kumar Gora Vs. Mahesh Inder Singh and another*' under Sections 406, 420, 506 IPC (Annexure P-2) pending in the Court of JMIC, Kaithal. Challenge has also been laid to summoning order dated 7.6.2014 (Annexure P-1) passed in the aforesaid complaint, whereby the trial Court has summoned the petitioner along with

another accused namely Vikas Jindal for commission of offence under Sections 406, 420, 506 IPC.

On 16.9.2015, this Court had passed the following order:-

“Learned counsel for the parties jointly submit that though the matter was referred to Mediation and Conciliation Centre, but on account of non-availability of Mr. HNS Gill, learned counsel for the respondent, on the date of consideration, effective mediation could not take place. Therefore, both the learned counsel pray that let another attempt be made by referring the matter to the Mediation and Conciliation Centre, as they expect that some amicable settlement may take place.

On joint request, the matter is once again referred to the Mediation and Conciliation Centre of this Court.

Parties are directed to appear before the Mediation and Conciliation Centre on 22.9.2015.

Adjourned to 9.10.2015.”

Learned counsel for the parties submit that with the intervention of Mediation and Conciliation Centre of this Court, the matter has been resolved between the parties and a settlement/agreement dated 23.9.2015 has been reduced into writing, which is part of record. For reference, Clause 5 of the Settlement/agreement dated 23.9.2015 is reproduced as under:-

“5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement/Agreement in the presence of the Mediator/Conciliator as per the following terms and conditions:-

- a) *Both the parties have agreed to settle the dispute on the amount of Rs.62,500/- (Rupees Sixty Two Thousand and Five Hundred only), which shall be paid by the first party to the second party as a full and final settlement. The said amount shall be paid by the first party Mahesh Inder Singh and Vikas Jindal in the ratio of 50:50 i.e. Rs.31,250/- (Rupees Thirty One Thousand Two Hundred and Fifty only) each to the second party within a period of one month from the present settlement.*
- b) *That in pursuance to the above settlement, the second party has agreed to withdraw his Criminal Complaint No.RBT 188/13 titled 'Krishan Kumar Gora Vs. Mahesh Inder Singh and another' under Sections 406, 420, 506 IPC in the Court of J.M.I.C., Kaithal.*
- c) *That on the day of withdrawal of complaint, which shall be intimated by the second party to the first party well in advance, the first party along with Mr. Vikas Jindal shall pay the above-mentioned amount by way of Demand Draft/s at the time of making the statement of withdrawal to the second party in the Court itself.*
- d) *That the above settlement is full and final settlement between the parties. None of the parties shall raise the said dispute before any Court, Authority or any Forum in respect of controversy out of which present case has been referred for mediation as the dispute has been resolved for all intents and purposes.*

- e) *That although Mr. Vikas Jindal is not present today before the Mediator/undersigned, however, the first party after having telephonic discussion with Mr. Vikas Jindal has conveyed that Mr. Vikas Jindal is ready to pay the amount fixed and in consent thereof has agreed to sign the present settlement tomorrow as he is presently in Kaithal and he cannot come today to sign the same.*
- f) *That both the parties have committed that they shall not back out from the terms and conditions of the present settlement/ agreement.*
- g) *The parties understand that not honouring their respective commitments as per present settlement, after the same shall be endorsed by Hon'ble High Court, the same shall also be treated as contempt of Hon'ble High Court and the aggrieved party shall have the right to initiate contempt proceedings against the defaulting party."*

In view of the aforesaid settlement/agreement, as the complainant/petitioner has agreed to withdraw the aforesaid Criminal Complaint No.RBT 188/13 titled '*Krishan Kumar Gora Vs. Mahesh Inder Singh and another*', the present petition has been rendered infructuous.

Disposed of as infructuous.

However, the parties shall remain bound by the terms and conditions of the agreement/settlement entered into between themselves before the Mediation and Conciliation Centre.

October 09, 2015
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(HARI PAL VERMA)
JUDGE