

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

CR No.7904 of 2015(O&M)

Date of decision:10.11.2016

Parveen Kumar @ Happy and anotherPetitioners

VERSUS

Darshan Singh through LRs Balwinder Singh and others.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rahul Rampal, Advocate for the petitioners.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 14.07.2015 passed by the Additional District Judge, Ludhiana whereby application for recalling order dated 06.12.2014 has been allowed.

Counsel for the petitioners has submitted that his grievance is only qua that part of the order whereby the Court has held that the applicants will have the liberty to launch prosecution against the respondents, if they are so advised. It is argued that after passing of order dated 14.07.2015, the applicants therein filed a complaint to the police on the basis whereof, First Information Report has been registered against the petitioners. It is further submitted that the petitioners have the apprehension that in case the aforesaid fact is not deleted from the order, it may cause prejudice to them in defending criminal prosecution.

I have heard counsel for the petitioners, perused the paper-book particularly the order impugned.

Be that as it may, the petitioners have no grievance to express against the order that the compromise Ex.C1 has been declared as illegal, null and void and not binding on rights of the applicant and the appeal being dismissed as withdrawn. The Court has not recorded any finding nor directed the launching of prosecution against the respondents (petitioners herein).

On the contrary, the applicant was left at liberty to launch prosecution, if so advised, meaning thereby that he can take recourse to appropriate proceedings in accordance with law. In this view of the matter, apprehension expressed by the petitioners seems to be unfounded and thus, do not require any intervention in the order impugned. This apart, there is no gain-saying that in a criminal case, the prosecution has to prove its case beyond shadow of reasonable doubt and only then conviction can be ordered.

Disposed of accordingly.

NOVEMBER 10, 2016

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no