

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

252

**Criminal Misc. No. M-13921 of 2015
Date of decision: February 04, 2016**

Ruby Seth

....Petitioner

versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Jagraj Singh Khiva, Advocate for
Mr. Lakhwinder Singh Sidhu, Advocate
for the petitioner.

Ms. Rimplejeet Kaur, AAG, Punjab.

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

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioner, namely, Ruby Seth for quashing of order dated 26.11.2004 passed by learned Judicial Magistrate Ist Class, Patiala whereby the application filed under Section 319 Cr.P.C. for summoning accused, namely, Vipul Seth (Annexure P-5) has been

dismissed and order dated 16.03.2015 passed by learned Additional Sessions Judge, Patiala (Annexure P-9) whereby revision petition filed against the said order has also been dismissed.

The present petition came up for hearing before this Court on 04.05.2015 and the following order was passed:

"Prima facie the impugned order does not suffer from any infirmity. However, before the court proceeds with the matter, it notices that the petitioner is willing to settle the matter with the complainant. In this eventuality the complainant would have to be impleaded as a party.

Adjourned to 12.8.2015 to enable the learned counsel for the petitioner to do the needful."

Thereafter, on 05.10.2015, the case has been adjourned for want of correct address of respondent No.2.

Learned counsel for respondent No.2 submits that all efforts have already been made to settle the dispute by calling them before the Division Bench of this Court in FAO-M No.278 of 2013 and on 14.01.2016, inspite of best efforts, the matter could not be settled between the parties.

An observation was made in order dated 04.05.2015 that the impugned order does not suffer from any infirmity but as there is possibility of compromise/settlement between the parties, the complainant-husband was ordered to be impleaded as

party-respondent.

Since the efforts of compromise/settlement have already failed before the Division Bench of this Court in FAO-M No.278 of 2013, the petition being devoid of any merit is hereby dismissed.

February 04, 2016
sonia gugnani

(DAYA CHAUDHARY)
JUDGE