

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

CRM-M-29816 of 2016 (O&M)

Date of decision : 27.09.2016

Gurmeet Singh

..... Petitioner

versus

Kapur Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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

AJAY TEWARI, J.(ORAL)

This is a petition challenging the order dismissing an application under Section 311 Cr.P.C. .

As per the impugned order the petitioner had been granted opportunity to cross examine the respondent-complainant on 11.08.2015 but did not do so and ultimately in the absence of cross examination the same was declared to be nil by order dated 12.05.2016. Learned counsel states that if the respondent-complainant is not cross examined it would cause irreparable loss to the petitioner and in equity some reparation can be proposed to the respondent-complainant for the prejudice caused to him.

Notice of motion.

Mr. J.S.Lalli, Advocate has entered appearance on behalf of the respondent-complainant.

In my opinion this reparation to the respondent-complainant would be two fold. In the first place I propose to impose costs of Rs.10,000/- on the petitioner and secondly to direct the petitioner to make a fixed deposit of an amount of Rs.50,000/- in the name of the Court. In case the complaint is ultimately allowed that amount would also be handed over to the respondent-complainant apart from any other compensation which may Court determine. If the complaint is dismissed, this amount would be returned back to the petitioner.

Learned counsel for the petitioner states that both these conditions are acceptable.

Learned counsel for the respondent-complainant has no objection to this Course of action.

In the circumstances, the petition is allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

27.09.2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No