

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

CRM No.M-19953 of 2014 (O&M)
Date of Decision: November 13, 2017

Vinod Kumar

...Petitioner

VERSUS

Rattan Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sandeep Khunger, Advocate
for the petitioner.

Mr.H.S.Jakhal, Advocate
for the respondent.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent Rattan Lal for quashing the impugned order dated 31.05.2014 passed by learned Chief Judicial Magistrate Ist Class, Fazilka and all subsequent proceedings arising from the complaint titled 'Rattan Lal vs. Vinod Kumar'.

Notice of motion was issued. Learned counsel for the respondent appeared and contested the petition.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that during the pendency of the trial, the case was taken up by the Lok Adalat, where accused Vinod Kumar along

with his counsel got recorded his statement that he has effected a

compromise with the complainant and placed on record written compromise Ex.C1 whereby he admitted the correctness of Ex.C1. The accused further stated that as per compromise, he agreed to pay ₹3,45,000/- to the complainant i.e. cheque amount as well as ₹20,000/- on account of interest etc. and out of that, he has paid ₹10,000/- on that day in the Court to the complainant and he will bound to pay the remaining amount of ₹3,35,000/- on or before 15.01.2013 to the complainant against proper receipt. The accused has further stated that in view of the compromise, the present complaint may be adjourned sine die till the payment of ₹3,35,000/- and in this respect, they have also moved application for taking the file which also contains the terms of compromise and bear their signatures.

The complainant along with his counsel got recorded his statement that he has received ₹10,000/- from the accused in the Court on that day and is ready to receive the remaining amount of ₹3,35,000/- as per terms of the compromise Ex.C1. He has also stated that after the said payment, they will move an application to get the instant complaint dismissed as withdrawn.

In view of the above statements, learned Presiding Officer, Lok Adalat, adjourned the case sine die with the liberty to the parties to revive the file by giving appropriate application. Later on, application dated 17.01.2013 has been filed in which the accused were ordered to be summoned. On 31.05.2014, accused suffered separate statement that he has made oral payment and no document was prepared in between him and complainant. On the other hand, the complainant denied any payment by the accused to him till that day.

proceedings and the complaint was fixed for cross-examination of the complainant vide impugned order dated 31.05.2014.

Aggrieved from the above-said order, present petition has been filed.

From the perusal of the impugned order dated 31.05.2014 passed by learned CJM, Fazilka, I find that even as per the earlier statement given by the parties before the Lok Adalat, it was stated that the accused will pay amount to the complainant on or before 15.01.2013 against proper receipt but no receipt has been obtained by the accused regarding the payment and the complainant is denying this fact.

As the proceedings were only adjourned sine die for effecting compromise but the accused has not shown any receipt regarding payment of the amount of ₹3,35,000/- to the complainant as per the terms of compromise, therefore, impugned order reviving the proceedings in the complaint further, is as per record and law. No illegality has been committed by learned Court below while passing the impugned order on 31.05.2014. As there is no document to show payment of ₹3,35,000/- to the complainant by the accused-present petitioner, therefore, the impugned order is not liable to be quashed.

Therefore, finding no merit in the present petition, the same is dismissed.

November 13, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No