

CWP No.25473 of 2017

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

**CWP No.25473 of 2017**

**Date of decision:09.11.2017**

Dr. Harbans Singh Sodhi

...Petitioner

Versus

State of Punjab and others

...Respondents

**Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**

Present: Mr. S.C.Arora, Advocate,  
for the petitioner.

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**Rakesh Kumar Jain, J. (Oral)**

This petition is filed for seeking a writ in the nature of *mandamus*, directing respondents no.1 and 2 to pay adequate compensation for the wrongful confinement of the petitioner in jail along with his wife in a false case registered vide FIR No.30 dated 02.04.2010, under Sections 406/420/498A/376/34 IPC at Police Station Kot Bhai, Tehsil Gidderbaha, District Muktsar and especially the allegations made under Section 376 IPC.

Counsel for the petitioner submits that the charge has been framed by the Sub Divisional Judicial Magistrate, Gidderbaha only under Sections 498A, 406 and 420 IPC and not under Section 376 IPC. The complainant though challenged the order dated 10.04.2012 by way of revision before the Sessions Court, Sri Muktsar Sahab basically for framing the charge under Section 376 IPC as well but the said revision was also withdrawn on 03.03.2015. The petitioner has, thus, prayed that respondents no.1 and 2 be directed to pay the amount of adequate compensation to him.

After hearing learned counsel for the petitioner and examining the

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available record, I am of the considered opinion that since the trial is still pending, therefore, the petitioner may claim compensation under Section 357 Cr.P.C. from the Court who has the power to impose the same.

Learned counsel for the petitioner has not referred to any precedent for the purpose of taking a decision in his favour for directing respondents no.1 and 2 to pay compensation to the petitioner at this stage.

Consequently, the present petition is hereby disposed of in the aforesaid terms.

**November 09, 2017**  
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**(Rakesh Kumar Jain)**  
**Judge**

Whether speaking / reasoned : Yes/No

Whether reportable : Yes/No