

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

220/2

CRM-M No.1353 of 2015

Date of Decision: July 18th, 2018

Gautam Sayal

...Petitioner

Versus

M/s DND International and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. B.D. Sharma, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Advocate
for respondent No.1.

Mr. Aayush Sarna, Assistant Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The present petition has been preferred under Section 482 Cr.P.C. for quashing of Criminal Complaint No.2852 of 2014 titled as M/s DND International Versus Managing Director, Natural Hide and Skin Company Pvt. Ltd. and Complaint No.806 of 2013 instituted on 01.06.2013, where the petitioner has been summoned by order dated 26.02.2014 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Gurgaon.

2. During the pendency of the case, the matter was referred to the Mediation and Conciliation Centre of this Court to explore the possibility of the settlement on 04.03.2015. On 29.05.2015, parties reported to the Court through counsel that the matter has been settled before the Mediation and Conciliation Centre of this Court and as per the compromise, which has been effected, an amount of ₹31,50,000/- which included the principal along with interest till the date of the agreement, had to be paid in six equal instalments on or before 07.10.2015.

3

In the light of the above factual position, this Court on

29.05.2015, adjourned the case for 20.11.2015. It is an admitted position that the petitioner has failed to adhere to the terms of the settlement entered into between the parties. Various opportunities have been granted to the petitioner to comply with the terms and conditions of the settlement and almost 2½ years have passed but till date except for an amount of ₹10,00,000/- which was paid on 21.09.2016, no payment has been made to respondent No.1.

4. Keeping in view the conduct of the petitioner, this Court has no hesitation in holding that because of the above position, the petition cannot be further allowed to be continued as the petitioner has not been truthful and has himself not adhered to his commitment to the Court in the light of the fact that the said settlement was made a part of the Court record.

5. The present petition, therefore, stands dismissed.

6. Keeping in view the fact that the present matter has been pending before this Court for the last more than 3½ years, where stay was operating in favour of the petitioner, learned trial Court is directed to proceed with the trial and conclude the same within a period of eight months from the date of receipt of certified copy of the order. Let the parties appear before the Chief Judicial Magistrate, Gurugram, on **27.08.2018**.

7. Since the files of the case are pending with the Chief Judicial Magistrate/Judicial Magistrate Ist Class, Jalandhar, the said Court to ensure that the complaint along with the complete records reach the Court of Chief Judicial Magistrate, Gurugram, on or before 18.08.2018.

July 18th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No