

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-841 of 2019
Date of Decision: 20.8.2019

Amrik Singh

.....Applicant

Vs.

Gulab Singh and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: - Mr. Tajinder Pal Singh Makkar, Advocate
for the applicant.

AJAY TEWARI, J. (ORAL)

1. This application is filed by the applicant under Section 378(4) Cr.P.C. for grant of leave to appeal against the order dated 5.10.2018 passed by the learned Sub Divisional Judicial Magistrate, Gidderbaha vide which the complaint filed by the applicant under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 and Section 13(2) of Prevention of Corruption Act, 1988 was dismissed and the accused-respondents were ordered to be discharged.

2. In this case, after the applicant led preliminary evidence, the respondents were summoned. All the parties were dissatisfied with the summoning order and accordingly, the respondents had filed three revision petitions and the applicant had filed one revision petition. During the pendency of the revision petition, compromise was effected between the parties as a result of which, the complaint had been dismissed. Now the

present application has been filed stating that actually the respondents did

not adhere to the compromise and, consequently, the dismissal of the complaint was illegal.

3. We find that the present application is completely meritless and not maintainable. It is not disputed that compromise was indeed entered into. If it is the case of the applicant that the respondents had not adhered to the compromise, it was open to him to have moved an application for revival of the complaint but the order by which the complaint was dismissed, cannot be impugned in this manner. As per the compromise, it was agreed that the applicant would file an application for partition (which in any case he could file without seeking any permission from the Court) and the respondents would pay Rs. 40,000/- per annum for one acre during the pendency of the partition proceedings. The precise argument of the learned counsel for the applicant is that after the partition proceedings were decided, the respondents had filed an appeal. In our opinion, this cannot be termed to be resiling from the compromise.

4. Consequently, the application seeking leave to appeal is dismissed. Leave to appeal is declined.

(AJAY TEWARI)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

August 20, 2019
Gurpreet

Whether speaking /reasoned : Yes
Whether Reportable : No