

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-4436 of 2018

Date of Decision: January 17, 2019.

Sanpreet Singh

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Vinay Pandey, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

Heard.

This petition under Section 482 Cr.P.C. has come about by petitioner Sanpreet Singh challenging an order dated 05.10.2016 (Annexure P-3) passed by learned Presiding Officer, Pre-National Lok Adalat, Patiala, which is produced as below to lay emphasis:-

*Present:- APP for the State.
Complainant in person with counsel.
Mr. H.P.S. Verma, Advocate.*

*Complainant has come present and suffered a statement
that he is not satisfied with the police report and as such
he wants to reinvestigate the matter.*

In view of the statement suffered by the complainant, the present cancellation report be sent back to concerned police station for reinvestigation.

*Sd/-
Poonam Bansal,
Presiding Officer,
Pre-National Lok-Adalat
Patiala/05.10.2016*

The facts that need to be highlighted are that a case by way of FIR No. 272 dated 25.12.2015 registered at Police Station Kotwali, District Patiala under Section 306 IPC and during the course of time, the police filed the cancellation report/final report, which is annexed as Annexure P-2. Subsequently, thereto the matter was put up before the Pre-National Lok-Adalat, in which, impugned order dated 05.10.2016 (Annexure P-3) has been passed and this is how the parties are before this Court.

Mr. P.S. Ahluwalia, learned counsel for the petitioner, in his submissions has sought to place reliance on **Sawinder Singh Vs. State of Punjab** 2007(1) R.C.R. (Criminal) and CrI. Misc. No. M-20820 of 2012 titled as **Rangi Ram and others Vs. State of Punjab and another** to hammer home the point that this Court while setting aside the order passed by the Lok Adalat has drawn the conclusion that the Lok Adalat can dispose off a matter only where parties have arrived at a compromise and the moment the parties are discordant and are not one on a settlement, the Lok Adalat ceases to have jurisdiction over the matter. In the impugned order, the learned Presiding Officer has grossly erred and exercised jurisdiction which was not otherwise vested with the Lok Adalat. The same could not be

displaced by the counsel for the other side.

Since the parties have failed to settle their dispute, the only recourse available was to send back the matter to the regular Court which had the jurisdiction to try and decide the same. The Lok Adalat could not have passed any such order as impugned before this Court. In light of the same, the impugned order is set aside.

The petition stands disposed off accordingly.

January 17, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No