

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

292

CRM-M-54366-2018 (O&M)

Date of Decision:24.05.2019

Naresh Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Manish Bhardwaj, Advocate for
Mr. Ashok Bhardwaj, Advocate,
for the petitioner.**

**Mr. Jagmohan Ghumman, D.A.G., Punjab,
for respondent No.1.**

**Mr. Viraj Gandhi and
Mr. Adarsh Dubey, Advocates,
for respondent No.2-complainant.**

HARI PAL VERMA, J.(Oral)

CRM-6085-2019

Prayer in this application filed under Section 482 Cr.P.C. is for placing on record reply to the petition along with document, Annexure R-2/1 and also exemption from filing the certified copy thereof.

Application is allowed, as prayed for. Reply along with document, Annexure R-2/1 is taken on record. Exemption sought is granted.

CRM stands disposed of.

CRM-M-54366-2018

Prayer in this petition filed under Section 482 Cr.P.C. is for

registered at Police Station Women, Patiala (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise/affidavit dated 03.11.2018 (Annexure P-2).

This Court vide order dated 07.12.2018 had directed the parties to appear before the Trial Court/Illaq Magistrate to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Patiala. Statement of complainant-Saraswati Rani was recorded, wherein she has supported the compromise.

Learned counsel for respondent No.2-complainant has submitted that in terms of the compromise, respondent No.2 has joined the petitioner on that day, but the petitioner has again thrown her out from the matrimonial home and thereafter, respondent No.2 has given a complaint Annexure R-2/1 against the petitioner to SSP, Patiala.

At this stage, learned counsel for the petitioner seeks withdrawal of the present petition.

This Court finds that the petitioner has totally misused the process of law. He entered into the compromise for just an eye-wash making the whole machinery busy in the case.

Therefore, though even the permission to withdraw the present petition should not been granted, but in the interest of justice, petitioner is permitted to withdraw the present petition, however, this would be subject to payment of Rs.25,000/- to be paid to respondent No.2. The respondent No.2 has been made to suffer indifferently.

Petitioner shall deposit the aforesaid amount with the trial court

within a period of one month from today and shall furnish the receipt thereof. In case the said amount is not paid within the aforesaid period, respondent No.2 shall be at liberty to move an appropriate application for consequential direction.

The amount so deposited by the petitioner shall be disbursed to respondent No.2-complainant by the trial court.

May 24, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No