

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

CRM-M-54907 of 2018 .

Decided on:- January 23, 2019.

Brinder @ Barinder Singh.

.....Petitioner.

Versus

Kamal Kumar and another

.....Respondents.

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

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. J.P. Singh, Advocate
for respondent No.1.

Mr. Jagmohan Ghumman, D.A.G., Punjab
for respondent No.2-State.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of the order dated 29.07.2017 (Annexure P-3) passed by learned Judicial Magistrate 1st Class, Phillaur, whereby the petitioner was declared as a proclaimed person in complaint case bearing No.COMI/57/16 dated 20.09.2016 titled as ***Kamal Kumar Versus Barinder Singh and others*** under Sections 406 and 498-A read with Section 34 IPC pending before the trial Court.

Learned counsel for the petitioner states that in pursuance to the order dated December 13, 2018 passed by this Court, the petitioner has been admitted on bail by the trial Court. He further states that the petitioner along with other co-accused has already filed a petition under Section 482 Cr.PC i.e.

CRM-M-54697-2018 titled as ***Brinder @ Barinder Singh and others Versus***

Kamal Kumar and another for quashing of the aforesaid complaint on the basis of compromise arrived at between the parties and vide order of even date passed in that petition, the parties have been directed by this Court to appear before the illaqa Magistrate/trial Court to get their statements recorded on the basis of compromise on 25.02.2019.

Learned counsel for respondent No.1-complainant has not disputed the factum of compromise between the parties.

I have heard learned counsel for the parties.

Having heard learned counsel for the parties and considering the fact that the matter has been compromised between the parties coupled with the fact that vide order of even date passed by this Court in ***CRM-M-54697-2018***, the parties have been directed by this Court to appear before the illaqa Magistrate/trial Court to get their statements recorded on the basis of compromise on 25.02.2019, the present petition is allowed and the impugned order dated 29.07.2017 (Annexure P-3) passed by learned Judicial Magistrate 1st Class, Phillar, whereby the petitioner was declared as a proclaimed person, is set aside, however, subject to payment of costs of Rs.15,000/- by the petitioner to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of 15 days from today.

January 23, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No