

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

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CRM-M-27039-2022
Date of Decision: 20.09.2022

Som Nath Yadav and another Petitioners
Versus
State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Khushkaran Kumar, Advocate for the petitioners.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Vansh Chawla, Advocate for the complainant.

ANOOP CHITKARA, J. (ORAL)

Learned counsel for the petitioners has presented a demand draft of Rs. 2 lac in terms of order dated 01.08.2022 passed by this Court. The same has been handed over to learned counsel for the complainant today in the Court and he has accepted the same.

However, learned counsel for the complainant submits that he is accepting the demand draft under protest and it should be subject to all just exceptions. He further submits that even if the prosecution is dismissed, then the petitioners shall have no right to claim back this amount.

In view of the above statement, the present petition is allowed and interim order dated 18.07.2022 is made absolute. It is clarified that even if the prosecution is dismissed, then the petitioners shall not be entitled to claim the aforesaid amount of Rs. 2 lac which has been handed over, considering the poor financial status, physical disability of the complainant and her age being 78 years. However, in case she files any claim then this amount shall be deducted.

(ANOOP CHITKARA)
JUDGE

20.09.2022
Jyoti-II

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No