

[2023:PHHC:039168]

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

**COCp-3257-2017 (O&M)
Date of decision: 16.03.2023**

Shri Shyam Ji Maharaj Trust

...Petitioner

Versus

Vinay Verma and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sukhan Deep Singh, Advocate
for the petitioner.

Mr. Atul Yadav, Advocate
for the respondents.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner is alleging violation of the decree dated 17.07.2015, passed by the trial Court in Civil Suit No. 14/2015, which was passed on the ground of settlement between the parties.

As per aforesaid decree, the suit filed by the petitioner/Trust, seeking a decree of permanent injunction, was decreed on a concession given by the respondents, who were defendants in the suit. It was undertaken by the respondents that they would neither misbehave with the priest of the temple in any manner nor would interfere in the activities of the temple.

Learned counsel for the petitioner submits that on a previous occasion i.e. 15.05.2015, an FIR was registered against the respondents under Section 380 IPC for taking money from the locker of the temple and

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the respondents are not appearing in the said case.

A perusal of the compromise, which is Ex. P-2 and stated to be the part of the decree, would show that the respondents have stated that they had lodged a complaint against the Trust regarding preparation of fake receipts of material purchased for the construction of the temple and many fake receipts of the officials of the Trust were produced. It was further stated that in future, they will not interfere in the working of the temple, as noticed above.

A perusal of the said decree and compromise would indicate that once the matter was compromised, it was incumbent on the petitioner not to pursue the FIR case against the respondents, which the petitioner is pursuing as it is stated at bar that the respondents are not appearing in the criminal proceedings, though in terms of the compromise, the criminal proceedings against the respondents should have been withdrawn by the petitioner.

Reply, filed on behalf of the respondents, is on record, in which, a specific stand is taken that they are not interfering in the day to day business of the temple and they have not violated any order passed by the civil Court.

After hearing learned counsel for the parties and finding that in the undertaking given by the respondents before the civil Court as well as in the reply filed before this Court, a categorical stand is taken that they have not violated any order and also finding that in pursuance of the compromise, the petitioner should have withdrawn the criminal proceedings against the respondents, however, the petitioner is still pursuing the same, no case of

any willful disobedience is made out against the respondents.

Accordingly, the present petition is dismissed.

Rule stands discharged.

16.03.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>