

CRM-M-36896-2022
Date of decision: 27.02.2023

ANURAG TYAGI

...*Petitioner*

 V/s

STATE OF HARYANA AND ANOTHER

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Jarnail Singh Saneta, Advocate
for the petitioner.

Mr. Karan Garg, AAG Haryana.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed seeking quashing of order dated 07.07.2022 (P-2) passed by Additional Sessions Judge, Sonipat in CRA 208 of 2019 dated 08.07.2019 to the extent of directing to pay 15% of the cheque amount as cost which comes to be Rs.2,14,500/- to be deposited in District Legal Services Authorities, Sonipat and for further staying the operation of the impugned order (Annexure P-2) during the pendency of the present petition.

Dr. Naresh Kaushik, Advocate has put in appearance on behalf of respondent No.2 and filed his vakalatnama which is taken on record.

Status report by way of affidavit of Atma Ram, HPS, DSP, Ganaur, Sonipat on behalf of respondent No.1-State has been filed which is taken on record.

Affidavit of Ram Narayan Son of Dharam Singh, resident of House No.240, Ward No.8, Gannaur, Tehsil Gannaur, District Sonipat (Haryana) has also been filed by respondent No.2 which is taken on record.

A perusal of affidavit filed by respondent No.2 shows that the petitioner was directed to pay compensation of Rs.20,00,000/- under Section 357(3) of Cr.P.C. to the complainant/respondent No.2 vide judgment and order of conviction dated 12.06.2019 and subsequently, a compromise has also been effected between the petitioner and complainant/respondent No.2, where, in view of the said compromise, the complainant/respondent No.2 has received whole of the amount and submitted that complainant has no objection and is ready to forego the costs to be imposed in terms of the judgment of the Hon’ble Apex Court in “*Damodar S. Prabhu V. Sayed Babalal H. (SC), Criminal Appeal No.963 of 2010 (supra)*”

In view of the above, the present petition is allowed and order dated 07.07.2022 is set aside.

27.02.2023
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(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No