

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

CRM-M-1709-2023

Date of Decision: April 18, 2023

DINESH MADAN

..... Petitioner

Versus

STATE OF PUNJAB AND ORS.

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kushagra Beniwal, Advocate for petitioner.
Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 CrPc, prayer has been made for quashing of order dated 27.09.2022 passed by JMJC Jalandhar vide which FIR No.10 dated 22.01.2019 under Sections 420, 406 and 120-B of IPC registered at Police Station Division No.2, Jalandhar, District Jalandhar has been ordered to be compounded and respondents No.2-4 have been acquitted of the charges framed against them.

While impugning the aforesaid order, learned counsel for petitioner submits that though the petitioner being the complainant and the victim, however, was neither associated with the compromise nor even afforded any opportunity to establish his grievance against the private respondents and the JMJC, Jalandhar in his absence permitted the parties to compound the charges followed by passing the acquittal in their favour in exercise of power under Section 320(a) of CrPC.

Upon consideration, a perusal of the impugned order dated 27.09.2022 shows that the same has been passed by JMJC, Jalandhar

CRM-M-1709-2023

-2-

acquitting the private respondents of the charges framed against them based on a compromise resulting into their acquittal, thus the petitioner being victim, his remedy lies under Section 372 CrPC 1973 subject to establishing before the appellate Court of he being victim as defined under Section 2(wa) of CrPC. 1973.

In view of the aforesaid observations, the present petition is disposed of with liberty to the petitioner to avail his remedies in accordance with law especially in view of the proviso to Section 372 of CrPC subject to Section 2(wa) thereof.

18.04.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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