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

CRM-M-40159-2024

Date of Decision: 30.08.2024

Lakshay Chuttani

..... Petitioner

Versus

State of Haryana and Another

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Rajesh Goyal, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

AMARJOT BHATTI, J.(oral)

1. Petitioner Lakshay Chuttani has filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of judgment and order of quantum dated 21.03.2024, Annexure P-1 and subsequent proceedings, whereby petitioner has been convicted and sentenced in Complaint NACT/235/2020 titled “M/s Romy Enterprises Vs. M/s Lakshay Chuttani” and to stay the proceedings before learned Appellate Court or any other direction which the Court may deem fit and proper in the given facts and circumstances of case.

2. Learned counsel for petitioner pointed out that petitioner Lakshay Chuttani was convicted and sentenced by learned Judicial Magistrate Ist Class, Panipat vide judgment dated 21.03.2024, which is Annexure P-1. Petitioner filed criminal appeal against the aforesaid judgment of conviction and order of sentence. Copy of grounds of appeal is Annexure P-2. He has also placed on record copy of order dated 18.04.2024, Annexure P-3, vide which application for suspension of sentence was disposed of with further direction to make payment of 20%

of amount of compensation as detailed therein.

3. Learned counsel for petitioner argued that petitioner is ready to effect compromise with respondent/complainant to which complainant is not agreeing and he is bent upon to send him behind the bars. Therefore, he has filed present petition.

4. I have considered the arguments and stand taken by learned counsel for petitioner. Present petitioner was convicted and sentenced by learned Judicial Magistrate Ist Class, Panipat vide judgment of conviction and order of sentence dated 21.03.2024 and appeal is preferred by petitioner which is pending before the Appellate Court. In the said appeal, his sentence is suspended and he is also directed to deposit 20% of compensation amount as per order dated 18.04.2024. Instead of complying this order, present petition has been filed. In case petitioner wants to effect compromise with respondent/complainant, he can raise this plea before the Appellate Court. Present petition filed by petitioner is without justification and same is not maintainable. Thus, accordingly declined. Petitioner is given liberty to raise this plea for effecting compromise before First Appellate Court.

5. Petition is accordingly, disposed of.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

30.08.2024
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No