



CRM-M-6080-2024(O&M)

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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CRM-M-6080-2024(O&M)

Date of Decision: 19.11.2025

Date of uploading: 20.11.2025

Davinder Singh

... Petitioner

VERSUS

State of Punjab &anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Shrinkhla Sharma, Advocate and
Mr. Abhishek Sharma, Advocate
for the petitioners.

Ms. Aiman J. Chishti, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. The substantive prayer made in the petition in hand reads thus:-

“It is, therefore, respectfully prayed that the petition may kindly be allowed and the impugned order dated 20.09.2023 (P-5) passed in CNR No.PBRO03002482022, CIS No.CRM/60/2020 is quashed and the learned Trial Court is directed to revive/reopen the complaint bearing no.CNR No.PBRO030006372019, CIS No.NACT/119/2019 in its original number from the stage where it was withdrawn from.”

2. None has caused appearance for respondent No.2 despite service. Same was the position on 27.10.2025. Hence, this Court proceeds to decide the petition in hand on merits thereof.

3. Learned counsel appearing for the petitioner has submitted that the petitioner had withdrawn the criminal complaint in question under Section 138 of the Negotiable Instruments Act on 11.12.2021 as a settlement was arrived at between the rival parties. The said order dated 11.12.2021 reads thus:-



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*“Present: Complainant with counsel Sh. Dheeraj Kaushal
Advocate*

*Accused Harkesh Singh on bail with counsel Sh.
Varinder Kumar Dhiman Advocate*

File taken up today in the National Lok Adalat. Accused Harkesh Singh is present and suffered a statement that he has compromised the matter with complainant Davinder Singh. The total settled amount in Rs. 2,00,000/-(Rupees Two lacs) and the said amount will be paid up to 31.01.2022. If the amount of Rs. 2,00,000/- is not paid in time, then the complainant have reserved his right to revive the complaint at the same stage, where the said is now pending.

There-after, complainant Davinder Singh also suffered a statement that he has compromised the matter with the accused Harkesh Singh. The total settled amount in Rs. 2,00,000/-(Rupees Two lacs) and the said amount will be paid up to 31.01.2022 by him. If the amount of Rs. 2,00,000/- is not paid in time, then he has reserved his right to revive the complaint at the same stage, where the said is now pending. There-after, he withdraw the present complaint at this stage.

In view of the statement, present complaint stands dismissed as withdrawn. File be consigned to the record room.

*1. Member/Sh. Gurpreet Singh
Rattu Advocate*

*(Parul, PCS)
Presiding Officer
Lok Adalat/Rupnagar
UID No. PB0400/11.12.2021*

4. Learned counsel for the petitioner has iterated that there was a specific stipulation in the order dated 11.12.2021 that in case the accused does not pay the requisite amount within the fixed timeframe, the petitioner (herein) would be entitled to seek revival of the criminal complaint in question. The record further reflects that the petitioner (herein), acting in accordance with the said stipulation, filed an application (copy whereof has been appended as Annexure P-4 with the petition in hand) for revival of the said criminal complaint. However, vide the impugned order dated 29.09.2025, the learned Presiding Officer rejected the said prayer on the premise that the settlement arrived at before the Lok Adalat



amounts to an acquittal and, thus, the said Court was not empowered to revive the proceedings. In support of her arguments, learned counsel for the petitioner has placed reliance upon the judgment of this Court passed in CRM-M-3254-2020 titled as *Rakesh Kalta Vs. State of Haryana & anr.* decided on 11.04.2023.

5. From the facts brought forth before this Court, it is amply clear and evident that the parties had indeed entered into a settlement with specific terms and conditions. The petitioner withdrew the complaint solely on the basis of this settlement. In the considered opinion of this Court, the right of the petitioner to seek revival of the complaint particularly on account of the failure of the respondent to honour the settlement cannot be curtailed in any manner. By no stretch of imagination the right of the petitioner to pursue his remedy, in accordance with law, by seeking revival of the criminal complaint in question on account of non-compliance by the respondent can be declined. Thus, the impugned order deserves to be quashed.

6. In view of the prevenient ratiocination, it is ordained thus:-

(i) The impugned order passed dated 29.09.2025 passed in criminal complaint in question is quashed and the criminal complaint is directed to be restored to its original number/status.

ii) Since the criminal complaint in question pertains to the year 2019, the trial Court is directed to make earnest effort to decide the same expeditiously, preferably within a period of six months from the date of receipt of certified copy of this order.

iii) It is further clarified that in case the respondent does not cause appearance before the concerned Court on issuance of summons, the trial Court shall be empowered to employ coercive methods to force his appearance as per



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law. The Senior Superintendent of Police, Ropar is directed to abide by the entire orders passed by the concerned trial Court for enforcement of the order.

19.11.2025
monika

(SUMEET GOEL)
JUDGE

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