



CWP-18442-2025

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

254

CWP-18442-2025

Date of decision:06.11.2025

AKSHAT GAURI

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Arun Singla, Advocate
for the petitioner.

Ms. Svaneel Jaswal, Addl. A.G., Haryana.

SUVIR SEHGAL, J.

1. This petition has been filed *inter alia* for issuance of a writ in the nature of certiorari for quashing award dated 09.09.2023, Annexure P-4, passed by Judicial Magistrate Ist Class cum Presiding Officer, National Lok Adalat, Gurugram, (hereinafter referred to as "Lok Adalat") whereby on a confession of guilt by petitioner, he has been convicted for an offence punishable under Section 283, IPC and has been sentenced to pay a fine of Rs.200/-.

2. Counsel for the petitioner submits that petitioner was named as an accused in FIR No.280 dated 06.08.2023, Annexure P-1, lodged for offence under Section 283, IPC at Police Station Sector 50, Gurugram, and was released on bail. He submits that on an application moved by him, his vehicle was released by the Trial Court and after conclusion of investigation,

a final report under Section 173, Cr.P.C., was presented before the Trial



CWP-18442-2025

-2-

Court. Counsel states that copy of *challan* was supplied to petitioner on 22.08.2023 and matter was referred to National Lok Adalat when the impugned award, Annexure P-4, was passed. Counsel has made a reference to Section 19(5) of the Legal Services Authority Act, 1987, (for short “Act of 1987”) and contends that Lok Adalat did not have jurisdiction to pass an award as the offence under Section 283, IPC, is not compoundable. Reliance has been placed by him upon a judgment of Himachal Pradesh High Court in **State of Himachal Pradesh Vs. Long Raj Law Finder Doc Id #2345832**.

3. Petition has been contested by respondents by filing a reply, wherein an objection has been taken that petition is not maintainable as an award passed by Lok Adalat is final under Section 21(2) of the Act of 1987.

4. State counsel has argued that matter was referred to the Lok Adalat on a request made by petitioner, who cannot turn around and impugn the award.

5. I have given a thoughtful consideration to the arguments addressed by counsel for the parties.

6. It is apposite to notice and reproduce hereunder sub section 5 of Section 19 of Act of 1987;

“(5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of—

(i) any case pending before; or

(ii) any matter which is falling within the jurisdiction of, and is not brought before, any Court for which the Lok Adalat is organised:

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.”



CWP-18442-2025

-3-

7. A perusal of the above reproduced provision shows that Lok Adalat has been conferred with jurisdiction to determine and arrive at a compromise or settlement between the parties in respect of (i) any case which is pending before it or (ii) any matter which falls within its jurisdiction and has not been agitated before any Court. It has been laid down in the proviso to sub-section (5) that Lok Adalat will not have any jurisdiction in respect of a matter relating to any offence, which is not compoundable under any law.

8. Petitioner is accused and has been charged of an offence allegedly committed under Section 283, IPC. This offence has been classified as a non-compoundable and would be outside the horizon of Lok Adalat in view of proviso to Section 19(5) of the Act of 1987. As a consequence, Lok Adalat does not have the jurisdiction to pass any award in respect of the aforesaid offence and impugned award passed by it cannot be sustained.

9. For the foregoing reason, impugned award dated 09.09.2023, Annexure P-4, is set aside. As a result, trial in FIR, Annexure P-1, is revived and parties are directed to appear before the Trial Court concerned on 01.12.2025 for further proceedings in accordance with law.

10. Petition is disposed of.

06.11.2025

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(SUVIR SEHGAL)

JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No