

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 696 OF 2013
(SPECIAL LEAVE PETITION(CRL.)NO.9953 OF 2012)

RAJIV KUMAR & ORS.

APPELLANTS

VERSUS

RAKSHA KUMARI

RESPONDENT

O R D E R

1. Leave granted.
2. This appeal is directed against the judgment and order passed by the Punjab & Haryana High Court at Chandigarh in Criminal Miscellaneous No.5205 of 2012 (O & M), dated 31.10.2012. By the impugned judgment and order, the High Court has dismissed the petition filed under Section 482 of the Code of Criminal Procedure, 1973 (the 'code', for short), to quash the Criminal Complaint Case No.108 of 2003, dated 17.09.2003.
3. When the matter was posted before the High Court, the High Court had issued notice to explore the possibility of arriving at a compromise.
4. However, on a later date, when the learned counsel for the parties informed the Court that settlement between the parties could not take place, the learned Judge, without considering the petition on merits, has dismissed the same.

5. In view of the above observations, we are of the opinion that the order so passed by the learned Judge is not in accordance with the provisions of the Criminal Procedure Code. Therefore, the said order needs to be set aside and the matter requires to be remanded back to the High Court for fresh consideration on merits.

6. In the result, we allow this appeal and set aside the judgment and order of the High Court and remand the matter back to the High Court for fresh consideration on merits in accordance with law, after affording reasonable opportunity of hearing to the parties.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(JAGDISH SINGH KHEHAR)

NEW DELHI;
MAY 03, 2013

JUDGMENT