

(2020) 09 SHI CK 0088
In the High Court Of Himachal Pradesh
Case No : CR.MMO No. 237 Of 2020

Vivek Sharma

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 02-09-2020

Acts Referred:

Citation : (2020) 09 SHI CK 0088

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : Varun Chandel, Shiv Pal Manhans, Virender Singh Rathore, Ajay Chauhan

Final Decision : Dismissed

Judgement

Vivek Singh Thakur, J

1. Learned counsel for the petitioner seeks permission to withdraw this petition, with liberty to file afresh, if necessitated to do so, as during the intervening period, mis-understanding has cropped up amongst the parties.
2. Learned counsel appearing for respondents No. 3 to 5 submits that the compromise filed with the petition and the affidavit, in support thereof, were never signed by respondents No. 3 to 5 and disputing the veracity thereof a reply has also been filed on behalf of the respondents today itself.
3. Mr. Varun Chandel, learned counsel for the petitioner has refuted the allegations of respondents No. 3 to 5, by submitting that as per instructions imparted to him, the affidavit as well as compromise were prepared, signed and attested with assent of respondents No. 3 to 5, and these respondents have entered and signed the compromise and affidavit in support thereof, in presence of witnesses and which were duly attested by the Notary Public. Therefore, now respondents No. 3 to 5 can not retract themselves from the fact of entering into compromise.

4. Reply filed by respondents is not on record and as the petitioner has prayed for permission to withdraw the petition, with liberty for filing afresh, the issue raised on behalf of respondents No. 3 to 5 and disputed on behalf of petitioner is not being adjudicated here and petition is dismissed as withdrawn as prayed, with liberty to the parties to avail appropriate remedy, if advised so, for resolution of their dispute amongst themselves including by filing fresh petitions/proceedings, in accordance with law.

Petition is dismissed as withdrawn in the aforesaid terms.