



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 3707/2024

Kripal Singh S/o Jagraj Singh, Aged About 52 Years, R/o Village
Pohadka, Tehsil Rawatsar, District Hanumangarh (Raj)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Nayab Singh S/o Shri Jagir Singh Ji, R/o Village
Pohadka, Tehsil Rawatsar, District Hanumangarh (Raj.)

-----Respondents

For Petitioner(s) : Mr. Moti Singh.
For Respondent(s) : Mr. Gaurav Singh, P.P.

HON'BLE MR. JUSTICE ARUN MONGA
Order

01/07/2024

1. The petitioner is before this Court, aggrieved by an order dated April 19, 2022, passed by the learned Lok Adalat. Learned SDM vide an order dated 10.02.2020 allowed a complaint filed by the SHO under Section 145 Cr.P.C. against the petitioner, leading to his filing a criminal revision petition before the learned Sessions Court, which was later referred for settlement before the Lok Adalat under The Legal Service Authorities Act, 1987.

2. The facts of the case need not be delved into, as the core issue here is whether, in a situation where a party or parties do not submit to the jurisdiction of the Lok Adalat for settlement under the provisions of The Legal Service Authorities Act, 1987, the Lok Adalat can then dismiss a case referred to it in default of appearance?



3. The answer to the question is not far to seek in view of the express provisions contained under Section 20(5) of the Act, *ibid*.

For ready reference, the same is reproduced hereinbelow:-

"20. Cognizance of cases by Lok Adalats.-

(1) xxxx

(2) xxxx

(3) xxxx

(4) xxxx

(5) *Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section(1) for disposal in accordance with law."*

4. The above provision clearly envisages that in case of no settlement, the Lok Adalat is statutorily mandated to return of file to the concerned court for further proceedings in accordance with law.

5. This provision thus pertains to the process to be followed when a Lok Adalat is unable to reach a compromise or settlement between the parties involved in a case. In such situations, where no award or decision is made by the Lok Adalat due to the failure to reach an agreement, the case record is to be sent back to the court from which the reference was initially received. The court then takes over and proceeds to handle the case as per the appropriate legal procedures and laws.

6. In the case in hand, the petitioner, did not submit to the jurisdiction of the Lok Adalat for settlement proceedings. In the premise, even in the worst-case scenario, what thus happened was that no settlement could be reached within the meaning of subsection (5) of Section 20, *supra*, because the parties did not participate in the proceedings before the Lok Adalat. Therefore,



the only recourse available to the Lok Adalat was to remand the matter back to the appropriate court for further proceedings in accordance with the law.

7. I am of the view that the learned Lok Adalat clearly exceeded its jurisdiction in passing the impugned order, as it is not vested with such powers to dismiss a case in default. The impugned order dated April 19, 2022, passed by the learned trial court in Criminal Misc. Case No. 192/2024 must therefore be set aside, and it is so ordered.

8. The petitioner's revision petition bearing No.15/2023 is thus restored to its original status, and the petitioner is at liberty to approach the concerned court by filing an appropriate application for further proceedings in accordance with the law.

(ARUN MONGA),J

38-Sumit/-

Whether Fit for Reporting: Yes / No