

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-2262-2015
Date of decision: 28.07.2015

Vivek Thapar .. Petitioner

Vs.

Amrik Singh .. Respondent

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. Parshant Sethi, Advocate for the petitioner.
Mr. G.S.Jagpal, Advocate for respondent.

Mahesh Grover, J

This is a petition under Section 482 of the Code of Criminal Procedure praying for quashing of the order dated 09.01.2015 passed by learned Judicial Magistrate Ist Class, Ludhiana in criminal complaint No. 444 of 19.05.2014, whereby the application Annexure P4 of the petitioner under Section 145 of the Negotiable Instruments Act was dismissed.

Matter had been referred to the Mediation and Conciliation Centre of this Court, wherein, the dispute has been settled in the following terms:

“ The parties agreed that Mr. Birinder Singh, Advocate would act as their Mediator in the present case.

Detailed medication proceedings were held during the process of Conciliation/Mediation. Now, the parties have, with the assistance of the Mediator/Conciliator, voluntarily arrived at an amicable solution resolving their disputes and differences.

Whereas Vivek Thapar has admitted his liability to the tune of Rs.10,75,000/- and has offered to return this outstanding amount in instalments which he has agreed to pay to the second party and both the parties have now amicably settled all their

outstanding issues between each other on following terms and conditions:-

(b) The first party has today tendered post dated cheques of Rs.10,75,000/- in favour of the second party, which the second party has received as per following details:

Sr.No.	Cheque No.	Dated	Amount
1.	505723	01/06/2015	Rs.10,000/-
2.	505724	01/07/2015	Rs.10,000/-
3.	505725	01/08/2015	Rs.10,000/-
4.	505726	01/09/2015	Rs.10,000/-
5.	505727	01/10/2015	Rs.10,000/-
6.	505728	01/11/2015	Rs.10,000/-
7.	505729	01/12/2015	Rs.10,000/-
8.	505730	01/01/2016	Rs.1,90,000/-
9.	505731	01/02/2016	Rs.10,000/-
10.	505732	01/03/2016	Rs.10,000/-
11.	505733	01/04/2016	Rs.10,000/-
12.	505734	01/05/2016	Rs.10,000/-
13.	505735	01/06/2016	Rs.3,00,000/-
14	505736	01/07/2017	Rs.3,00,000/-
15	505737	01/08/2018	Rs.1,75,000/-
Total			Rs. 10,75,000/-

The parties hereto confirm and declare that they

have voluntarily and of their own free will arrived at this Settlement/Agreement in the presence of the Mediator/Conciliator.

8. That the parties to this agreement have read the agreement and have understood the contents thereof and have signed this agreement voluntarily with their free will and without any coercion, force and undue influence, whatsoever. The parties have also sought help from their respective counsel in arriving at this compromise.”

In view of the above, instant petition is accepted. Consequently, the order dated 09.01.2015 passed by learned Judicial Magistrate Ist Class, Ludhiana in criminal complaint No. 444 of 19.05.2014 dismissing the application under Section 145 of the Negotiable Instruments Act is set aside. Parties shall be bound by the terms and conditions of the compromise.

28.07.2015
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(Mahesh Grover)
Judge