

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**Criminal Misc. No.M-28119 of 2013 (O&M)**  
**Date of decision: 19<sup>th</sup> February, 2015**

Vijay Kaushik

...Petitioner

Versus

Chhotu Ram

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr. C.M.Chopra, Advocate,  
for the petitioner.

Mr. Aditya Jain, Advocate,  
for the respondent.

\*\*\*\*

**INDERJIT SINGH, J.**

Petitioner has preferred this petition under Section 482 Cr.P.C., for quashing of complaint No.3863 dated 01.10.2011/28.02.2013 under Section 138 of the Negotiable Instruments Act and order dated 12.08.2013 vide which his application for compounding the case has been dismissed.

Brief facts of the case are that respondent-complainant (hereinreferred as 'the complainant') filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioner-accused (hereinreferred as 'the accused') on account of dishonouring of cheque bearing No.044423 dated 28.07.2011 for an amount of Rs.4,00,000/-. The accused was summoned. He appeared before the Court of learned Judicial Magistrate Ist Class, Gurgaon and the

the Court served notice of accusation upon him. The accused filed application for permission to compound the case. The learned trial Court vide order dated 12.08.2013, dismissed the said application. Hence the accused has filed this petition for quashing of complaint and the order dated 12.08.2013.

Notice of motion was issued.

Learned counsel for respondent appeared. On 04.02.2015, learned counsel for the petitioner stated that the petitioner is ready to pay ₹5,00,000/- as full and final settlement in this case. Learned counsel for the respondent also stated that he is ready to accept the said amount as full and final settlement if the same is paid within 15 days. Accordingly, this Court adjourned the case for today for payment.

Today, in compliance of the said order dated 04.02.2015, learned counsel for the petitioner has handed over a demand draft No.045843 dated 18.02.2015, for an amount of Rs.5,00,000/- which is in the name of Chhotu Ram-respondent/complainant, to learned counsel for respondent, who has accepted the same on behalf of respondent and has stated that respondent could not come present in the Court but he has instructions to receive the amount of ₹5,00,000/- as full and final settlement. Learned counsel for the respondent has also stated that he has no objection if the criminal complaint and summoning order are quashed as the matter has been settled between the parties.

Keeping in view of the compromise, arrived at between the parties; the settlement of amount of cheque and the offence under Section 138 of the Negotiable Instruments Act being compoundable, the instant petition is allowed and the complaint and all consequential proceedings arising therefrom are hereby quashed.

**19<sup>th</sup> February, 2015**  
mamta

**(INDERJIT SINGH)**  
**JUDGE**