

210

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

CRR No.1151 of 2014

Date of decision: September 29, 2015

Gurdeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ramesh Chand Sharma, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG Punjab.

SABINA, J

Petitioner has filed this petition challenging the order dated 05.06.2012, whereby, penalty to the tune of ₹30,000/- was imposed on him and the order dated 09.07.2013, whereby, the appeal filed by the petitioner against the order dated 05.06.2012, was dismissed.

Learned counsel for the petitioner has submitted that M/s Jawala Ram Tej Prakash Commission Agents had filed a complaint against Darshan Singh under Section 138 of the Negotiable Instruments Act, 1881. Petitioner had furnished surety qua the accused Darshan Singh in the sum of ₹30,000/-. Accused Darshan Singh absented during trial on 15.11.2011. Notice under Section 446 of Code of Criminal Procedure, 1973 was issued to the petitioner. Petitioner filed his reply to the said notice. Vide the impugned order dated 05.06.2012, penalty to the tune of

₹30,000/- was imposed on the petitioner. Appeal filed by the petitioner against the said order was dismissed. Thereafter, complainant and the accused entered into a compromise and the complainant withdrew the complaint on 02.08.2012. Learned counsel for the petitioner has further submitted that in these circumstances, the impugned orders were liable to be set aside.

Learned State counsel, on the other hand has opposed the petition.

Since in the present case, complainant and the accused had amicably settled their dispute and the complaint was dismissed as withdrawn, it would be just and expedient to set aside the impugned orders, whereby, penalty to the tune of ₹30,000/- was imposed on the petitioner. Although, accused had absented during trial, but it appears that at a later stage, he had amicably settled the dispute with the complainant.

In the facts and circumstances of the present case, this petition is allowed. Impugned orders dated 05.06.2012 and 09.07.2013 are set aside.

**(SABINA)
JUDGE**

September 29, 2015
mahavir