

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

**C.R.M-M No.18214 of 2016 (O&M)
Date of Decision : 16.11.2016**

Bhupesh @ Jai Chadha

..... Petitioner

Versus

Balkar Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

**Present : Mr. S.S.Sidhu, Advocate
for the petitioner.**

AJAY TEWARI, J. (Oral)

This petition has been filed for quashing of the complaint
RBT No.68-2 dated 10.12.2015 as well as the order dated 06.05.2016
passed by JMIC Abohar.

As per allegation the petitioner had given a cheque
No.679756 dated 16.10.2015 for a sum of Rs.11,850/- which was
dishonoured and that is why the complainant had filed the instant
complaint.

On 24.05.2016 the following order was passed :-

“Learned counsel for the petitioner contends that a complaint under Section 138 of Negotiable Instruments Act, 1881 was filed stating that a cheque amounting to Rs.11,850/- bounced. On the first date of hearing, the petitioner offered to pay the said amount but the complainant refused to accept the cheque. His application under Section 147 of Negotiable Instruments Act, 1881 for compounding the offence has been dismissed on the ground that when the complainant is not ready to compound the offence, he cannot be compelled to do so. Learned counsel for the petitioner has brought the original Demand Draft No.354008 dated 18.5.2016 for Rs.11,850/- which is taken on record.

The Registrar Judicial is directed to keep the same in safe custody to be paid to the complainant, if so ordered.

Notice of motion to the complainant for 26.7.2016 to show cause as to why on the payment of the cheque amount the complaint should not be quashed.

In the meanwhile, further proceedings before the lower Court are stayed.”

None had appeared on behalf of the complainant to oppose the petition on the last date and it was adjourned for 16.11.2016. Even today none has appeared.

Learned counsel for the petitioner states that apart from the sum of Rs.11,850/- the petitioner is also ready to compensate the complainant for the harassment.

In the circumstances, it is directed that in case the petitioner deposits a draft of Rs.15,000/-for disbursal to the complainant before the trial Court within one month the instant complaint would be dismissed. The Registrar Judicial is directed to refund the draft referred to in the order dated 24.05.2016 to the petitioner.

Petition is allowed. However in the event of non-deposit the petition would be deemed to be dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

16.11.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No