

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-27314-2013 (O&M)

Date of decision: 14.03.2016

INDIA BULLS HOUSING FINANCIAL SERVICES LTD

.....Petitioner

versus

RAJESH KUMAR GUPTA AND ANOTHER

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Ms.Kiran Bala Jain, Advocate for the petitioner
Mr.Lalit Thakur, Advocate for the respondents

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

Petitioner had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 before the learned Judicial Magistrate 1st Class, Gurgaon. On 24.2.2010, both the parties entered into compromise. As a result of which, the complaint was withdrawn. The copies of the statements recorded on the same date show that as a result of the compromise, cheque was given with an undertaking that the same will be honoured. It is stated that the said cheque on presentation was dishonoured. Therefore, the petitioner seeks revival of the criminal complaint filed under Section 138 of the Negotiable Instruments Act, 1881. It is not a denying fact that on the

basis of dishonouring of cheque, a separate criminal complaint has been filed. The parties had entered into compromise, which has ultimately failed and on account of dishonouring of cheque, a separate complaint under Section 138 of Negotiable Instruments Act, 1881 has been filed.

Learned counsel for the petitioner has relied on authority of this Court in the case of Manish Madan v. Vasdev, CRM No.M-20007 of 2009 decided on 18.11.2009. The perusal of aforesaid judgment shows that in that case, the compromise was effected before Lok Adalat and that no separate cheque was issued. No separate complaint under Section 138 of Negotiable Instruments Act, 1881 was filed, as in the present case. Therefore, the said authority is not applicable in the present case.

It being so, I do not find any ground to interfere in the impugned order.

Consequently, the present petition stands dismissed.

14.03.2016
gk

(Kuldip Singh)
Judge