

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

**(1) CRM No.M-13628 of 2017 (O&M)**

M/s Meters and Instruments Private Limited and another  
...Petitioners

VERSUS

Rakesh Kumar Midha  
...Respondent

**(2) CRM No.M-13630 of 2017 (O&M)**

M/s Meters and Instruments Private Limited and another  
...Petitioners

VERSUS

Robin Midha  
...Respondent

**(3) CRM No.M-13631 of 2017 (O&M)**

M/s Meters and Instruments Private Limited and another  
...Petitioners

VERSUS

Smt.Kanchan Mehta  
...Respondent

**Date of Decision: April 21, 2017**

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

Present: Mr.Gaurav Mankotia, Advocate  
for the petitioners.

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**INDERJIT SINGH, J.**

This order shall dispose of all the above-mentioned connected

cases as the point for determination in all these cases is the same.

The above-mentioned petitions have been filed by petitioners under Section 482 Cr.P.C. for quashing of complaints No.1970, 1968 dated 01.08.2016, complaint No.1881 of 2016, summoning orders dated 24.08.2016 and orders dated 03.04.2017 passed by learned Judicial Magistrate Ist Class, Karnal, whereby the application under Section 205 Cr.P.C. for personal exemption of the petitioners and application under Section 147 of the Negotiable Instruments Act for compounding the offence were dismissed.

Learned counsel for the petitioners argued that petitioners have made offer to pay the amount. The petitioners have also filed the application before the lower Court under Section 147 of the Negotiable Instruments Act for compounding the offences and have placed on record three demand drafts before the Court to discharge their liability on the even date but the Court allowed only to place one demand draft on the case file of Kanchan Mehta and in other two cases, demand drafts were returned back to the accused with the plea that in absence of the complainant, the demand drafts of the disputed amount cannot be allowed to be placed on file. Ultimately, all the cases were adjourned for 12.01.2016. The accused also placed on record two demand drafts and the case was referred to Mediation Centre. On 09.01.2017, the accused along with counsel appeared before the Mediation Centre, where utmost efforts were made but the complainant party did not come forward for settling the dispute amicably. It is prayed before the trial Court that offences be compounded. Learned counsel for the complainant before the trial Court, by filing the reply, contested the application and prayed that it may be dismissed.

Learned Magistrate while passing the order dated 03.04.2017, dismissed the application filed by the petitioners. I have gone through the order passed by learned trial Court. Learned Magistrate dismissed the application by stating that the Court is guided by the dictum of law laid down by the Hon'ble Supreme Court in *JIK Industries Ltd. & Ors. vs. Amar Lal V. Jumani & Anr., 2012(1) CCC 616 (SC)*, wherein it is held that unless the complainant is ready and willing to compound the offence, it cannot be allowed to be compounded notwithstanding the provisions contained in Section 147 of the Act. Section 147 of the Act only permits the compounding of such offences but there is no such intention of the legislature to compel the complainant to get the offence compounded if the accused is ready and willing to deposit the amount of cheque. Learned Magistrate by relying upon the above-stated law, dismissed the application.

The perusal of the impugned order dated 03.04.2017 shows that the order passed by learned Magistrate is correct, as per evidence and law. In no way, the order can be held as illegal nor it is liable to be set aside. The compounding of the offence has been provided under Section 320 Cr.P.C. but nothing has been shown that other party can be compelled to compromise with the accused. The Court cannot impose compromise on the complainant by passing the order. It is clear in the present case that the complainant is not agreeing to compromise, therefore, the impugned order passed by learned Magistrate is correct, as per evidence and law and does not require interference from this Court.

Furthermore, though learned counsel for the petitioners has not argued but he has prayed that order refusing personal exemption is also not

discretion in view of the facts of case to exempt the personal presence where it deems fit. In the application, learned counsel for the accused stated that accused is not in a position to attend the Court being busy in the business in the company as he is the Director of the company. Learned trial Court has rightly dismissed this application being not justified ground for exemption. The Court also held that accused is to appear only on the date fixed not on every date and he can appear on the date given by the Court which may be probably once in a month.

In view of the above discussion, I find that no ground is made out for quashing the complaints. In no way, it can be held that the filing of the complaints amount to abuse of process of law or miscarriage of justice.

Therefore, finding no merit in all the petitions, the same are dismissed.

**April 21, 2017**  
Vgulati

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

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**