

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

**C.O.C.P. No. 2847 of 2013 (O&M)
Date of Decision: 01.05.2018**

Bharat Medical Store

..... Petitioner

Versus

Dr. Amandeep Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Parveen Jain, Advocate for
Mr. Amit Jhanji, Advocate
for the petitioner.

Mr. Mayur Kanwar, Advocate for
Mr. Manish Jain, Advocate
for the respondent.

JASWANT SINGH, J. (ORAL)

On the basis of a compromise with the petitioner towards full and final payment of Rs. 24.70 lacs, the respondent had filed CRM-M No. 3006 of 2011 seeking quashing of complaint under Section 138 of the Negotiable Instruments Act, dated 03.06.2012 filed by the petitioner/complainant; summoning order dated 30.01.2003 and order dated 30.11.2010 passed by learned Judicial Magistrate, Chandigarh, alongwith two other criminal petitions bearing CRM-M Nos. 3410 & 18083 of 2011. During the pendency of the aforesaid petitions, respondent paid an amount of Rs. 2.95 lacs to the petitioner and further filed an additional affidavit before the Hon'ble Court on 23.03.2012 **(Annexure P-1)**, seeking time to pay the balance amount of Rs. 21.75 lac and fixed the schedule for repayment. The aforesaid criminal petitions were disposed of by this Court vide its common order dated 23.03.2012

(Annexure P-2) in view of the undertaking given by the respondent by way of additional affidavit dated 23.03.2012 **(P-1)**. Subsequently the respondent failed to pay the installments in terms of the compromise, the respondent filed another criminal application bearing CRM No. 29099 of 2012 in CRM-M No. 3006 of 2011 for extension of time upto one month for doing the needful. Accordingly, the said application (CRM No. 29099 of 2012 in CRM-M No. 3006 of 2011) was allowed by this Court vide order dated 24.05.2012 **(Annexure P-3)**, whereby the trial Court was directed to adjourn the complaint for 15.06.2012, 15.07.2012, 15.08.2012 and 30.10.2012 and allow the petitioner/complainant to withdraw the same as mentioned in affidavit dated 23.03.2012 **(P-1)** made by the respondent-accused.

Inspite of extension of time granted vide order dated 24.05.2012 **(P-3)**, the respondent again failed to pay the installments in terms of the compromise arrived at between the parties, hence the present contempt petition was filed.

At the time of hearing, counsel for the petitioner states that the present contempt has become infructuous in the light of written compromise deed dated 01.01.2018 executed between the parties. He has submitted a copy of compromise deed dated 01.01.2018 in Court today, which is taken on record as **Mark-A**.

Counsel for the respondent acknowledges the aforesaid compromise deed dated 01.01.2018 and submits that his client has performed his part of agreement.

In view of above, nothing more survives for adjudication in

the present contempt petition and the same is liable to be disposed of as infructuous.

Disposed of as infructuous.

May 01, 2018

'dk kamra'

**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>