

CRM-M-24813 of 2011 (O&M)

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

CRM-M-24813 of 2011 (O&M)
Date of Decision: 04.07.2018

Bhushan Gupta

....Petitioner

Versus

Harbhajan Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Amar Vivek, Advocate, for the petitioner.
Mr. F.S. Virk, Advocate, for the respondent.

RAMENDRA JAIN, J. (ORAL)

Prayer through instant petition under Section 482 Cr.P.C. has been made for quashing Criminal Complaint No.13/2 dated 14.08.2010, pending in the Court of learned Sub Divisional Magistrate Samrala and summoning order dated 04.09.2010, summoning the petitioner under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner *inter alia* submits that petitioner did not comply with order dated 26.05.2014 in view of the fact that he had already deposited ₹1.00 lakh against cheque in question before the trial Court through treasury challan. The same was converted in the shape of some STDR by the trial Court. The petitioner around two years back had fallen chronically ill and he has to verify as to whether the petitioner is still alive. He further contends that the respondent can be compensated with the amount of ₹1.00 lakh along with up-to-date interest accrued thereon deposited by the petitioner way back on 18.08.2011 and the

petitioner can be relieved of his liability by dismissing the complaint of the respondent as having been compromised.

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Learned counsel for the respondent, while consenting to the above submissions of learned counsel for the petitioner, submits that he has no objection, in case, the amount of FDR along with up-to-date interest is released to the respondent towards full and final settlement and their complaint is quashed.

In view of above, the trial Court is directed to instruct the bank to pay the entire amount which was got deposited into a fixed deposit receipt under Court order relating to this case along with up-to-date interest to respondent Harbhajan Singh against proper receipt and identification in accordance with law. After compliance of this order, the trial Court shall dismiss the complaint of the respondent as withdrawn having been compromised.

Disposed of.

July 04, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No