

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-35015-2015 (O&M)

Date of Decision:13.08.2018

Naresh Dalal

.....Petitioner

Versus

Ram Dutt Sharma

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Ram Bilas Gupta, Advocate,
for the respondent.

HARI PAL VERMA, J.(Oral)

The petitioner has filed the present petition under Section 482 Cr.P.C. for quashing of complaint No.291 dated 12.02.2013, titled as “Ram Dutt Sharma Versus Chaudry Properties” filed by the respondent under Section 138 of the Negotiable Instruments Act, 1881 (for short, the Act).

Challenge has also been laid to the summoning order dated 12.02.2013 passed by learned Magistrate and the order dated 29.09.2015, whereby the revision petition preferred by the petitioner against the order dated 19.08.2015 passed by Judicial Magistrate 1st Class, Faridabad dismissing the application for compounding the offence pursuant to the order dated 14.09.2015 passed by this Court, was dismissed by learned Sessions Judge, Faridabad.

Learned counsel for the petitioner has argued that in the

aforesaid complaint, petitioner/accused has offered the payment of cheque amount of ₹86,000/- to the complainant. In order to substantiate his plea, he relied upon the zimni order dated 17.02.2014 passed by learned Judicial Magistrate 1st Class, Faridabad, which reads as under:-

“File taken up today as accused has surrendered in the Court and moved an application for bail. Heard. Offence being bailable, accused is admitted to bail on furnishing bail bond in the sum of ₹40,000/- with one surety in the like amount. Bail bond and surety bond furnished, accepted and attested. Accused has placed on file the Demand Draft No.009336 dated 17.02.2014 for a sum of ₹86,000/- in the Court. His statement to this effect recorded separately. To come up on 18.02.2014 i.e. already fixed.”

Even on December 22, 2016, this Court had recorded statement of the petitioner that he is ready to pay an amount of ₹1.10 lac as full and final settlement to which learned counsel for the respondent had sought time.

The offer made by the petitioner on December 22, 2016 has been reiterated by learned counsel for the petitioner. Though the cheque amount for a sum of ₹86,000/- was offered to the respondent-complainant as observed in the order dated 17.02.2014 passed by learned Judicial Magistrate 1st Class, Faridabad.

Learned counsel appearing on behalf of the respondent-complainant though initially was not inclined to accept this offer, however, he has sought instructions from his client and he is now ready to accept the consolidated amount of ₹1.10 lac, which also includes damages/interest on account of delay in payment.

I have heard learned counsel for the parties.

Hon'ble Apex Court in M/s Meters and Instruments Private Limited and another Versus Kanchan Mehta, 2017(3) Apex Court Judgments (SC) 396, has held that when the complainant has duly been compensated, the court can close the proceedings and discharge the accused. Since as against the cheque amount of ₹86,000/-, the petitioner-accused has offered a consolidated amount of ₹1.10 lac, having regard to the judgment passed by the Hon'ble Apex Court in Kanchan Mehta's case (supra), this Court deems it appropriate to close the proceedings and discharge the petitioner.

Accordingly, the present petition is allowed and the complaint No.291 dated 12.02.2013, the summoning order dated 12.02.2013 passed by learned Judicial Magistrate 1st Class, Faridabad, and the order dated 29.09.2015 passed by learned Sessions Judge, Faridabad, are set aside. The petitioner shall pay an amount of ₹1.10 lac by way of a bank draft in the name of the respondent-complainant within a period of one month from today. In case, the said amount is paid within the stipulated period indicated above, the petitioner would be discharged in the case.

The petitioner is at liberty to move an appropriate application for return of the bank draft. However, he will submit a fresh bank draft to the respondent-complainant within the period indicated above.

August 13, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No