

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

**CRM-M No. 6985 of 2019
Date of Decision:-22.02.2019**

Pankaj Bhatia

...Petitioner

Versus

Parveen Kumar

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Namit Khurana, Advocate
for the petitioner.

MANOJ BAJAJ J.(Oral)

Petitioner Pankaj Bhatia has filed the present petition under Section 482 Cr.P.C. seeking quashing of order dated 01.2.2019 (Annexure P-4) passed by the Judicial Magistrate 1st Class, Yamuna Nagar in Criminal Complaint No.260/2015, instituted on 12.2.2015, under Section 138 of N.I. Act, 1881 whereby application of the petitioner for direction to respondent to deposit Rs.1,00,000/- before the trial Court, as per settlement dated 03.4.2017, has been dismissed.

Learned counsel for the petitioner contends that a sum of Rs.1,00,000/- was paid by the accused pursuant to the compromise arrived at with the complainant. The complaint pertains to dishonour of a cheque amounting to Rs.3,00,000/- allegedly issued by the petitioner in favour of

complainant. The compromise did not materialize and subsequently the complaint was restored. It is submitted that as the complaint was restored, therefore, an application for return of Rs.1,00,000/- was filed by the accused which was dismissed by the trial Court. In support of his contentions, learned counsel for the petitioner has relied upon a Delhi High Court judgment in **Luminous Power Technology P. Ltd. vs. Amit Kumar Verma 2015(5) RCR (Civil) 946.**

In view of the above, the impugned order dated 01.2.2019 (Annexure P-4) is set aside and the trial Court is directed to decide the issue regarding return of Rs.1,00,000/- to the accused at the time of passing the final judgment.

Disposed off.

February 22, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No