

CRM-M-13898 of 2017

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

CRM-M-13898 of 2017
Date of Decision: 22.05.2019

Sh. Ashish Singhal and another

...Petitioners

Versus

M/s Sh. Sai Saw Mills

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Sanjay Vashisth, Advocate, for the petitioners.
Mr. Johan Kumar, Advocate, for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing order dated 19.09.2016 (Annexure P-6) of the learned Judicial Magistrate Ist Class, Faridabad, whereby application of the petitioners for compounding of criminal complaint under Section 138 of the Negotiable Instruments Act, 1881, has been dismissed.

Learned counsel for the petitioners relying upon *M/s Meters and Instruments Private Limited and another v. Kanchan Mehta, 2017(4) R.C.R.(Criminal) 476 (S.C.)* inter alia contends that even in the absence of consent of the complainant, Court in the interest of justice, on being satisfied that complainant has been duly compensated in its discretion can close the proceedings and discharge the accused.

Heard.

In the instant case, three cheques were issued in the consecutive months of June, July and August, 2014 for an amount of ₹96,274/-.

CRM-M-13898 of 2017

Therefore, this Court calculating interest @ 12% per annum for five years, which comes to ₹57,764/-, though till date complete five years have not expired w.e.f. the date of issuance of cheques, further adding approximately ₹20,400/- and making it a round figure of ₹1,75,000/-, directed the petitioners to pay the said amount for which petitioner No.1 agreed, but learned counsel for the respondent-complainant, on instructions from Sh. Rakesh Kumar, authorised representative of the respondent-complainant, who is present in Court, has refused to accept the same. Therefore, in view of judgment in the case of *M/s Meters and Instruments Private Limited* (supra), impugned order dated 19.09.2016 (Annexure P-6), dismissing application of the petitioners for compounding offence, is set aside. Petitioners are directed to deposit ₹1,95,000/-, which includes ₹20,000/- towards counsel fee spent by the respondent-complainant to engage counsel in this Court and before the trial Court within three weeks from today. On doing so, trial Court shall disburse the said amount to the respondent-complainant and dismiss the complaint as compounded.

Disposed of.

May 22, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No