

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-21804 of 2013

Jindal Cotex Ltd.

.....Petitioner

versus

M/s Shree Shyam Cotgin

.....Respondents

Crl. Misc. No. M-21860 of 2013

Jindal Cotex Ltd.

.....Petitioner

versus

M/s Shree Shyam Cotgin

.....Respondents

Date of Decision: January 16, 2019

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Dheeraj Jain, Advocate and
Mr. Vijay K. Chaudhary, Advocate
for the petitioner

Mr. Nipun Sharma, Advocate for
Mr. Rose Gupta, Advocate
for the respondent

Sudhir Mittal, J. (Oral)

Aforementioned petitions are being taken together for hearing as common questions of facts and law are involved therein.

The parties are ad idem that the cheque amount of Rs. 57 lacs stands paid to the complainant. Thus, the petitioner has compounded the offence and the complaint as well as the summoning order are liable to be quashed.

Learned counsel for the respondent submits that the respondent is entitled to payment of interest on account of delayed payment as per rules of the Society of which the parties are members.

In view of the fact that the cheque amount stands paid, the petitions are allowed and the complaint dated 26.02.2013 (Annexure P-1) as well as summoning order dated 20.05.2013 (Annexure P-4) are quashed. The respondent would, however, be at liberty to seek payment of interest through civil proceedings subject to its maintainability.

A photocopy of this order be placed on the file of connected case.

January 16, 2019

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No