

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12578-2019 (O&M)

Date of Decision: 17.07.2019

Nishant Sharma

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Naresh Kaushal, Advocate, for the petitioner.
Mr. Ajay Pal Singh Gill, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

As per the report of the Registry, notice could not be issued to the respondents due to one copy of the petition being short, with the process fee therefore returned. However, learned counsel for the petitioner has reiterated that even the complainant had made a statement before the trial court that he is willing to compound the offence.

A perusal of the impugned order shows that as a matter of fact even the complainants' statement had been recorded to the effect that he had received all amounts as were due from the petitioner, but that Court did not allow compounding of the offence in view of the fact that the Additional Public Prosecutor had filed an application under Section 319 of the Cr.P.C., for summoning one Rajinder Kumar, on the ground that the said person, in connivance with the petitioner, had issued a cheque for the purpose of cheating the complainant, which cheque had not been encashed at the

Oriental Bank of Commerce, Bhiwani.

Very obviously, eventually the only person aggrieved is the petitioner, even on account of any such alleged collusion/connivance between respondent no.2 and the aforesaid Rajinder Kumar.

That being so and the trial court even in the impugned order having recorded that the complainant had suffered a statement that he had received the entire disputed amount from the petitioner and nothing was due from him, and as a matter of fact, he did not want to proceed with the case, this petition is allowed and the impugned order dated 30.10.2018 is set aside to the extent that notice was ordered to be issued to a Clerk of the Oriental Bank of Commerce; though the first part of the order recording the statement of the complainant is naturally kept intact.

In view of the above, this petition is allowed and FIR No. 48 dated 24.04.2011, registered against the petitioner at Police Station Kurali, District SAS Nagar, for the alleged commission of offences punishable under Sections 406, 420, 120-B, 506 of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

17.07.2019

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(AMOL RATTAN SINGH)

JUDGE

Whether reasoned/speaking: Yes

Whether reportable: no