

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

**CRM-M No.44074 of 2018 (O&M)
Date of Decision: 12.12.2019**

M/s Aggarwal Trading Company
through its Proprietor-Pankaj Garg and another

.....Petitioners

Versus

M/s Jai Jagdamba Traders
through its Proprietor-Bal Krishan Kumar @ Bal Krishan Ahuja and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. L.S.Lakhanpal, Advocate for the applicants/petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab for respondent No.3.

MAHABIR SINGH SINDHU, J. (Oral)

CRM No.39213 of 2019

Application is for placing on record the copy of compromise dated 16.11.2019, entered into between the parties, as Annexure P-4 with the further prayer seeking exemption from filing certified copy of the same.

For the reasons stated in the application, the same is allowed subject to all just exceptions. Accompanied documents are taken on record as Annexure P-4.

Registry to tag the same at the appropriate place.

MAIN CASE

Present petition has been filed under Section 482 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for quashing the impugned order dated 31.07.2018 (P-3), passed by learned Judicial Magistrate 1st Class, Ludhiana, whereby the petitioner was declared as proclaimed person in complaint case bearing No.6215/2016 dated 12.05.2016, titled as 'M/s Jai

Jagdamba Traders and another Versus M/s Aggarwal Trading Company and another'.

 Contends that learned trial Court while passing the impugned order has not followed the procedure prescribed under Section 82 of the Cr.P.C. Also contends that the matter has been compromised between the parties.

 Mr. Kulwinder Singh, Advocate has filed power of attorney on behalf of respondent Nos.1 and 2. The same is taken on record. He acknowledged the factum of compromise arrived at between the parties.

 Heard learned Counsel for the parties and perused the paper-book.

 Concededly, the matter has been compromised between the parties (P-4) and the complaint under Section 138 of the Negotiable Instruments Act, 1881 already stands withdrawn. Even the contention raised on behalf of the petitioner regarding not following the proper procedure under Section 82 of the Cr.P.C. before passing the impugned order is also not opposed by learned Counsel for respondent Nos.1 and 2.

 In view of the agreed stand taken by both sides, impugned order dated 31.07.2018 (P-3), declaring the petitioner as proclaimed person, is liable to be set aside.

 Accordingly, present petition is allowed and impugned order dated 31.07.2018 (P-3) is quashed and set aside.

December 12, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>