

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50151 of 2018
DATE OF DECISION:-25.01.2019

FAQIR SINGH

...PETITIONER...

V.

STATE OF PUNJAB AND ANR.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Dhruv Khanna, Advocate for
Mr. IPS Kohli, Advocate,
for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing Criminal complaint No.1404/2013 dated 08.04.2010 (P-1) and all further proceedings arising out of the same including order dated 20.11.2014 (P-2), whereby petitioner was convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for a period of 1 year and 6 months along with judgment dated 10.09.2018 (P-3), whereby, above said order of conviction and sentence stands dismissed on the basis of compromise (P-4).

In compliance of order dated 15.12.2018, receipt qua deposit of Rs.30,000/- i.e. 15% of the cheque amount in terms of guidelines laid down in "Damodar S. Prabhu V. Sayed Babalal H.",2010 (15) SCC 663

has been produced in Court today. The same is taken on record. Be tagged at appropriate place.

Pursuant to order dated 15.11.2018 of this Court, the parties appeared before the trial court on 05.12.2018 to get their statements recorded. Ld. Sub Divisional Judicial Magistrate, Sultanpur Lodhi has submitted his report vide letter bearing No.5126, dated 06.12.2018 duly forwarded by learned District and Sessions Judge, Kapurthala, vide Endst No.2233, dated 08.12.2018.

According to the report, ld. Sub Divisional Judicial Magistrate, Sultanpur Lodhi, is satisfied that compromise effected between the parties is genuine, voluntary, without any threat, pressure, coercion or undue influence. No accused has been declared proclaimed offender.

Considering the report of ld. Sub Divisional Judicial Magistrate, Sultanpur Lodhi, dated 06.12.2018 and the fact that the compromise will bring peace and harmony in relations between the parties as well as 15% of the cheque amount has been deposited, aforesaid Criminal complaint No.1404/2013 dated 08.04.2010 and impugned judgment of conviction and order of sentence dated 20.11.2014 and 10.09.2018 along with all subsequent proceedings arising therefrom, are quashed.

Disposed of.

25.01.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No