

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

CRM-M-36777-2017 (O&M)

Date of decision : 03.10.2019

Dumman Singh @ Duman Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S. Dhillon, Advocate for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

Mr. Gagandeep Toni, Advocate and
Ms. Dipti Chauhan, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

On 29.09.2017, following order was passed:-

“The petitioner is seeking quashing of FIR No.86 dated 23.05.2015 under Sections 406/420 IPC registered at Police Station Mathaur/Mataur, District SAS Nagar, Mohali (Annexure P-2).

Learned counsel for the petitioner contends that allegations against the petitioner in the FIR are that he had obtained a loan of ₹5,00,000/- from the complainant and a cheque amounting to ₹5,00,000/- was issued on 13.12.2013 in discharge of his liability, which was dishonoured. He further contends that the complainant had filed a complaint under Section 138 of Negotiable Instruments Act against the petitioner, wherein the matter was compromised and it was agreed that an amount of ₹4,00,000/- shall be paid by him to the complainant in six installments. On the basis of compromise, the said complaint was dismissed as withdrawn

by the order dated 08.04.2017 (Annexure P-5). He further states that the petitioner had paid two installments of ₹65,000/- each, but the complainant has not come forward to file a petition for quashing the instant FIR on the basis of compromise.

Issue notice to the respondents, returnable on 14.12.2017.

At the asking of Court, Mr. Jagmohan Ghuman, Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1. A complete set of paper-book be supplied to him during the course of day.

In the meantime, the trial Court shall adjourn the case beyond the date given in the instant case.”

Learned counsel for the petitioner has fairly submitted that out of 6 installments, 5 installments have been paid but the petitioner is not coming forward to pay the 6th installment. He pleads that he has no instructions in this regard.

Learned counsel for respondent No.2 submits that amount of ₹75,000/- has not been paid.

Keeping in view the aforesaid facts, petitioner is relegated to the remedy before the trial Court.

Accordingly, the present petition is disposed of.

03.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No