

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

**CRM-M-14833-2020 (O&M)
Date of Decision: 16.07.2020**

Satwant Singh

.....Petitioner

Versus

Aditya Soni and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. P.S. Bal, Advocate for the petitioner.

Mr. Pankaj Bali, Advocate for respondent No.1.

Mr. A.A. Pathak, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of the order dated 10.10.2019 (Annexure P-3) passed by the JMIC Khanna, and in terms of which the present petitioner had been declared a proclaimed person pertaining to proceedings under the Negotiable Instruments Act.

Suffice it to observe that the complainant/respondent No.1 had initiated proceedings under Section 138 of the Negotiable Instruments Act vide complaint dated 25.10.2018 (Annexure P-1). Perusal of the complaint contains allegations that a cheque for an amount of Rs.1,00,000/- that has been issued by the accused namely Satwant Singh (petitioner herein) towards discharge of a legally enforceable debt was dishonoured upon

presentation.

On a previous date of hearing i.e. 26.06.2020 submissions advanced by counsel for the petitioner as also for the complainant had been recorded that the matter stands compromised and the payment has duly been received by respondent No.2. Accordingly parties had been directed to appear before the Illaqa Magistrate/Trial Court for recording of their statements in support of the compromise/settlement on 08.07.2020. Trial Court had been directed to submit a report in this regard.

A report dated 10.07.2020 of the Judicial Magistrate Ist Class, Khanna, has been placed on record. Perusal of the same would reveal that statements of both the parties had been recorded in support of the compromise. Copies of statements of the complainant Aditya Soni and accused Satwant Singh also stands appended alongwith the report. The Trial Court has clearly opined that the parties have arrived at a voluntary compromise and which is genuine and without any coercion or undue influence. Further the report states that there was only one accused arrayed in the complaint namely the petitioner herein (Satwant Singh).

Even counsel representing the complainant during the course of proceedings conducted today through V.C. has conceded that the matter indeed has been compromised and the requisite amount as per settlement has been received.

In view of the above, further proceedings in the matter would be a futile exercise.

In view of the subsequent developments that have taken place and in the light of the compromise, this Court in exercise of its inherent

powers under Section 482 Cr.P.C. quashes the complaint No.NACT/461/2018 dated 25.10.2018 (Annexure P-1) as also all subsequent proceedings emanating therefrom including the order dated 10.10.2019 (Annexure P-3) whereby the present petitioner had been declared a proclaimed person.

Petition is allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

July 16, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No