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

**CRM-M No.15583 of 2019
Date of Decision: 24.09.2020**

**BALWINDERJIT KAUR MIDHA AND ANOTHER
.....Petitioners**

Vs

**UNION TERRITORY CHANDIGARH AND ANOTHER
.....Respondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Rakesh Kumar, Advocate
for the petitioners.

Mr. Amit Kumar Goyal, AAP UT Chandigarh.

Mr. Amit Singh Sethi, Advocate and
Ms. Harsharanpreet Kaur, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioners have preferred this petition under Section 482 Cr.P.C. for quashing of complaint dated 26.08.2004 under Sections 138 and 142 of the Negotiable Instruments Act along with summoning order dated 17.04.2006 issued by the trial Court. The order dated 06.07.2010, whereby the petitioners have been declared as proclaimed offenders has also been assailed.

During the course of arguments, learned counsel for the petitioners submitted that infact no separate FIR under Section 174-A IPC has been registered against the petitioner and at the most, petitioners could have been declared as proclaimed persons.

During pendency of the present petition in this Court, willingness of the petitioners was recorded in the order dated 09.04.2019, when notice of motion was issued. In order to show their *bona fide*, the petitioners produced original demand draft for the cheque amount. Original demand draft was returned to learned counsel for the petitioner and photocopy of the same was retained on record.

Learned counsel appearing on behalf of respondent No.2 admitted that the parties have settled their grievances and the amount to the tune of Rs.59,000/- is payable to the complainant and the complainant is ready to accept the same towards full and final settlement of his claim against the petitioners. Petitioners undertook to get the demand draft revalidated.

Learned counsel for respondent No.2 has accepted the demand draft on revalidation and further submitted that the proceedings against the petitioners be quashed subject to realization of the amount in question.

Learned State counsel submitted that the State/UT is not privy to the settlement between the petitioner and complainant though the offences are compoundable in nature.

Having heard learned counsel for the parties, I deem it appropriate to quash the complaint, summoning order dated 17.04.2006 and order dated 06.07.2010 vide which the petitioners were declared as proclaimed persons/offenders. Ordered accordingly.

In view above, the petition stands disposed of.

However the aforesaid order is subject to the realization of the amount in question by the complainant.

September 24, 2020

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Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No