

202

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

CRM-M-10609-2017

Date of decision:05.07.2022

SUBHASH CHAND

...Petitioner

Versus

DHARAM PAL BANSAL (HUF) AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. A.K. Jindal, Advocate
for the petitioner.

Mr. Vikas Jain, Advocate for
Mr. Ankur Bali, Advocate
for respondent No.1.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner is aggrieved from the order made by the learned Judicial Magistrate concerned, on 24.01.2017, upon case No.1822/2013. However, the petitioner did not cast any challenge thereto, through his instituting any criminal revision petition, before the learned Revisional Court concerned. Therefore, the order made, on 24.01.2017, by the learned Magistrate concerned, acquires conclusive, and, binding effect. Consequently, though the remedy availed before this Court by the petitioner, through his constituting a petition under Section 482 of the Cr.P.C., may not *stricto sensu* be the appropriate remedy, but yet for ensuring that the ends of justice are secured, this Court does not, despite no criminal revision being preferred against the above order, rather deem it fit, and, appropriate to dismiss, as not-maintainable the instant petition, cast under Section 482 of the Cr.P.C.

2. Be that as it may, though the order of 24.01.2017 has acquired conclusivity, but since the summoning order, as made, upon the petitioner herein by the learned Magistrate concerned, has been claimed to be set aside in the instant petition, despite a revision petition casting a challenge thereto being *subjudice* before the learned Revisional Court concerned, but yet again since, the learned counsel appearing for the petitioner, as well as the learned counsel appearing for the respondent, both make a conjoint statement before this Court that even at this stage, in case this Court orders for the release to the respondent, the demand draft carrying therein a sum of Rs. 7 lacs, besides make an order for the release of the interest accrued thereon, and, as comprised in a separate sum of Rs.1.5 lacs, in respect whereof, a separate demand draft has been prepared, and, deposited in the Registry of this Court. In consequence believing the conjoint statement(s) (*supra*), as made at the bar, by the learned counsels concerned, this Court deems it fit, and, appropriate to order for the releases of the above deposits, qua the authorised respondent(s) concerned, and, also deems it just to order for the composition of the offence, as arises, from the dishonour of the negotiable instrument(s) concerned, and, also hence this Court, is constrained to set aside the order, made on 24.01.2017, by the learned Magistrate concerned, upon case No.1822/2013. Moreover, the apposite criminal complaint is ordered to be dismissed, it being compounded.

3. The above order is subject to, as submitted by the learned counsel for the petitioner, qua the latter, rather withdrawing the revision petition as preferred by him, before the learned Sessions Court concerned, wherethrough, he has challenged, the apposite summoning order.

4. It is clarified that the composition of the offences arising from the dishonour of the negotiable instrument concerned, shall not *prejudice* or affect

the rights, if any, of the respondent(s), as become canvassed by them, in civil suits instituted by them against the petitioner herein.

5. Disposed of accordingly. No order as to costs.

05.07.2022

ithlesh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No