

**127-A**

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

CRM-M-27596-2022

Date of decision : 28.06.2022

Paramjit Kaur

...Petitioner

Versus

Mohammad Nazir and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

Mr. Mahipal S. Yadav, Advocate for respondent No.1.

Mr. Sarabjit S. Cheema, AAG, Punjab.

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**VIKAS BAHL, J. (ORAL)**

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 11.10.2019 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Malerkotla in complaint under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter to be referred as “the NI Act”) bearing No.NACT/353/18.

Learned counsel for the petitioner has submitted that in the present case, the matter has been compromised and the entire amount of cheque i.e. Rs.70,000/- has been paid to respondent No.1-complainant. He has further referred to compromise deed dated 11.06.2022 (Annexure P-4), in which, it has been specifically stated that the matter has been compromised and respondent No.1-complainant is ready and willing to give statement in favour of the present petitioner and that the amount due to respondent No.1-complainant has already been paid and nothing is due from the petitioner and

that respondent No.1-complainant has no objection in case order declaring petitioner as proclaimed absconder is quashed/set aside.

Notice of motion.

On advance notice, Mr. Mahipal S. Yadav, Advocate has put in appearance on behalf of respondent No.1-complainant and has reiterated the fact that the matter has been compromised and that amount has also been paid to respondent No.1-complainant and no amount is due to respondent No.1-complainant and he has no objection in case the present petition is allowed and the impugned order dated 11.10.2019 (Annexure P-3) is set aside.

Learned counsel for the State/respondent No.2 has submitted that since, the present case pertains to private complaint filed under Section 138 of the NI Act, thus, the State would have no role to play.

This Court has heard the learned counsel for the parties and has perused the paper book.

The petitioner as well as complainant are ad idem that the matter has been compromised and the petitioner has paid the amount due to the complainant and there is no further amount due to the complainant. The compromise deed dated 11.06.2022 (Annexure P-4) has been admitted by counsel for the complainant.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and order dated 11.10.2019 (Annexure P-3) is set aside.

**28.06.2022**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

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

**Whether reportable:- Yes/No**