

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRR No. 1571 of 2022 (O&M)
Decided on: 09.08.2022

Ram Kumar

.....Petitioner

Vs.

A to Z Project Traders and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Shelja Sharma, Advocate for the petitioner.

 Ms. Suman Kumari, Advocate for respondent No.1.

 Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA J.

Criminal Complaint	No. 1229 of 2018, under Section 138 of the Negotiable Instruments Act, District Panipat,
Criminal Appeal	No. RBT-109 of 2020, Sessions Judge, District Panipat,

1. The petitioner, who stands convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881, (NIA), has come up before this Court under Section 401, Code of Criminal Procedure, (CrPC) for setting aside the impugned judgments because the parties have compromised the matter.
2. The petitioner faced criminal prosecution by the private respondent, because of the dishonour of the cheque in question.
3. The jurisprudence behind the Negotiable Instruments Act, 1881 is that the business transactions are to be honoured. The legislative intention is not to make people suffer incarceration only because their cheques bounced. These proceedings are to recover the cheque amount by showing teeth of a penal clause.
4. Given the judgment passed by Hon'ble Supreme Court of India in Damodar S. Prabhu v Sayed Babalal, (2010) 5 SCC 663, the law is well settled that when the entire money is paid, then the complainant cannot have any objection to such compromise, and 15% of the cheque amount is to be paid by the accused to the concerned State Legal Services Authority.

5. Pursuant to the order dated 01.08.2022, passed by this Court, the parties appeared before the trial Court.
6. As per the concerned Court's report dated 6-8-2022, the aggrieved party stated before it on 5-8-2022 that he has received the payment as per settlement and have objection if the revision petition is allowed. Given above, because of the compromise, this is a fit case where the inherent jurisdiction of the High Court under Section 482 of the CrPC supported by Section 147 of the NIA is invoked to disrupt the prosecution and quash the proceedings mentioned above. The complaint, notice of accusation, and the proceedings captioned above are quashed and set aside. The bail bonds are accordingly discharged. All pending application(s), if any, stand closed.
7. The petitioner has filed an application for a reduction of 15% amount payable to the State Legal Aid Authority. Although the cheque was drawn for a sum of Rs. 10,000,00/-. Given above, let the amount of Rs. 1,50,000/- be deposited with the High Court legal Aid authority on or before 31 Oct 2022, failing which, this entire order, shall automatically stand recalled under Section 362 and Section 482 CrPC, and this petition shall be posted for hearing on merits. However, in extraordinary circumstances, the petitioner may approach this Court for an extension of time to deposit the compounding fee. Petitioner to file the proof of deposit before the trial Court within the aforesaid time. Consequently, the above-captioned complaint, notice of accusation, and all consequent proceedings, including above mentioned convictions would also stand set aside qua the petitioner(s), and the petitioner would also stand acquitted of all the offences captioned above. Bail bonds and surety furnished by the petitioner stands discharged. All pending applications are closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

09.08.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.