

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

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CRM-M-54820-2022
Date of decision : 29.11.2022

Raj Reddy Kallem

Petitioner

V/S

State of Haryana and another

Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for setting aside impugned order dated 09.02.2021 (**Annexure P-1A**) passed by learned Judicial Magistrate First Class, Ambala in case FIR No.35 dated 29.01.2014 registered under Section 406, 420 and 120-B of the Indian Penal Code, 1860 at Police Station Mahesh Nagar, District Ambala whereby the application filed by the petitioner for depositing of Rs.20,00,000/- balance amount out of Rs.1,55,00,000/- was dismissed.

The above-said FIR was registered on a complaint made by complainant Chander Lekha Jain alleging therein that the petitioner along with other co-accused cheated her for an amount of Rs.1,55,00,000/-. A compromise effected between the parties on 05.12.2015 to the tune of Rs.1,55,00,000/- out of which, an amount of Rs.1,35,00,000/- have already been paid by the petitioner to the complainant and only amount of Rs.20,00,000/- was remained to be

paid. Co-accused Sri Lekha Reddy wife of the petitioner filed a petition bearing SLP No.10560 of 2019 before the Hon'ble Supreme Court against the order dated 01.11.2019 passed in CRM-M-9661-2019 passed by this Court whereby the quashing petition filed by co-accused Sri Lekha Reddy was dismissed and the Hon'ble Supreme Court of India vide order 29.11.2019 directed learned counsel for the accused to deposit the remaining amount of Rs.20,00,000/- which is outstanding within three weeks, before the Trial Court. But the accused could not deposit the amount within the stipulated period. The petitioner has filed the application before the Trial Court for granting permission to deposit the balance amount of Rs.20,00,000/- in the shape of demand draft No.149821 dated 12.12.2020 of Yes Bank limited, in favour of complainant, as per compromise and to compound the offence. The said application was dismissed by the Trial Court vide impugned order dated 09.02.2021. Aggrieved against the said order, the petitioner has filed the present petition before this Court.

Learned counsel for the petitioner submits that the matter has already been compromised between the parties. In pursuance of the compromise, the petitioner had paid amount of Rs.1,35,00,000/- to respondent No.2-complainant but due to some financial constraints he could not paid the remaining amount of Rs.20,00,000/- within the stipulated period. The petitioner has also made payment of Rs.35,00,000/- on 01.11.2019, which was after the expiry of the date given in the undertaking, which was duly accepted by respondent No.2-complainant. When the petitioner arranged the remaining amount he

immediately filed an application before the Trial Court for granting permission to deposit the balance amount of Rs.20,00,000/- which was wrongly dismissed by the trial Court. The Trial Court has failed to consider the fact that respondent No.2-complainant on one hand has taken the substantial part of money from the petitioner but on the other hand he wants to get the petitioner convicted in the case. No useful purpose will be served if the matter is allowed to be continued as the petitioner is ready and willing to return the outstanding amount. Therefore, the impugned order dated 09.02.2021 may be quashed.

I have heard learned counsel for the petitioner and gone through the paper-book.

Perusal of the file shows that the petitioner has failed to comply with directions given by the Hon'ble Supreme Court of India in SLP No.10560 of 2019 and did not deposit the remaining amount within the stipulated period. Non-compliance of the orders passed by the Apex Court shakes the very foundation of our judicial system and undermines the rule of law, which we are bound to honour and protect. This is essential to maintain faith and confidence of the people of this country in the judiciary. There is no escape from, acceptance, or obedience, or compliance of an order passed by the Apex Court, which is the final and the highest Court, in the country.

Moreover, in the instant case the complainant is not ready to compromise the matter and the petitioner cannot compel the complainant for the same.

Keeping in view the nature of averment and conduct of the

petitioner, I do not deem it fit to quash the impugned order dated 09.02.2021 and to compound the offence.

Dismissed.

29.11.2022

(ASHOK KUMAR VERMA)

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JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No