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

CRM-M-58149-2022

Date of decision : 22.12.2022

Jai Bhagwan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ajay Bhardwaj, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

Mr. Anshul Baghla, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of complaint bearing No.COMA-99-2015 titled Rajiv Kumar Vs. Jai Bhagwan under Sections 138/142 of the Negotiable Instruments Act, 1881 pending before the Chief Judicial Magistrate, Jhajjar and all the subsequent proceedings arising therefrom and also the order dated 01.12.2022 passed by the Chief Judicial Magistrate, Jhajjar, whereby, non-bailable warrants have been issued against the present petitioner and bail bonds of the petitioner have been forfeited to the State.

On 21.12.2022, this Court had passed the following order:-

“Learned counsel for the petitioner and respondent No. 2 have submitted that a settlement has been arrived at between

the parties and it has been decided that total amount of Rs.2,00,000/- is to be paid by the petitioner to the complainant as full and final settlement in the present case out of which an amount of Rs.1,60,000/- has already been paid and the balance amount of Rs.40,000/- would be paid by the petitioner to the complainant till 22.12.2022.

Learned counsel for the complainant has further submitted that in case the balance amount of Rs.40,000/- is deposited then he has no objection in case the impugned order is set aside and he further undertakes to withdraw the complaint under Section 138 of the Negotiable Instruments Act, 1988 within a period of one week.

Till the next date of hearing, the operation of the order dated 01.12.2022 and operation of warrant of arrest issued against the petitioner as well as his surety is also stayed.

Adjourned to 22.12.2022.

To be taken up at 01:45 PM.”

Learned counsel for the petitioner and respondent No.2 have jointly submitted that the matter has been fully settled and the petitioner has paid the entire settled amount of Rs.2,00,000/- by way of two demand drafts to the learned counsel for the complainant and the said demand drafts are in the name of the complainant.

Both the learned counsel have submitted that the matter has been finally settled and thus, have jointly prayed that the impugned order dated 01.12.2022, vide which bail of the petitioner has been cancelled, non-bailable warrants have been issued against the petitioner and notice to his surety has been issued, be set aside.

Learned counsel for respondent No.2 has further submitted that since the matter has been settled, thus, he undertakes to withdraw the

complaint filed under Sections 138/142 of Negotiable Instruments Act, 1881, within a period of 10 days from today.

Keeping in view the abovesaid facts and circumstances more so, the fact that the matter has been compromised and settled amount has been paid, the present petition is allowed and the impugned order dated 01.12.2022, vide which bail of the petitioner has been cancelled, non-bailable warrants have been issued against the present petitioner and notice has been issued to his surety, is set aside.

Respondent No.2 would be bound by the undertaking given by him before this Court to the effect that he would withdraw the complaint filed under Sections 138/142 of Negotiable Instruments Act, 1881 before the trial Court within a period of 10 days from today.

22.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**