

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 116

CRM-M-9422-2023

Date of decision : 22.02.2023

Mehar Singh

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.S.S.Duhan, Advocate, for the petitioner.

Mr.Viney Phogat, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 482 Cr.P.C. the petitioner assails the order dated 02.01.2023 passed by the Judicial Magistrate Ist Class, Panchkula (for short, the trial court) through which, during the pendency of the complaint filed against the petitioner by respondent No.2 under Section 138 of the Negotiable Instruments Act, 1881 (for short, the Act), the petitioner has been directed to pay 20% of the cheque amount to respondent No.2 as interim compensation.

In the year 2018 respondent No.2 filed a complaint against the petitioner under Section 138 of the Act as per which, in order to discharge a legally enforceable debt, the petitioner had given to the respondent a cheque of Rs.5 lakhs which on presentation was not honoured. The trial court put the petitioner to notice in response to which the petitioner denied not only to have taken any loan from respondent No.2 but also that he does not even know him. As per the petitioner respondent No.2 had misused a misplaced blank signed cheque of his.

The trial court after considering that the complaint by respondent No.2 had remained pending for over four years; the extreme

stand taken by the petitioner of having denied not only to have taken any loan from respondent No.2 but also of having never met him; the petitioner having never lodged any complaint with regard to the loss of any blank signed cheques of his; no explanation having being put forth by the petitioner as to why he had kept with him blank signed cheques which as per him had been misplaced and used by respondent No.2; keeping in view the underlying object behind the grant of interim compensation under Section 143-A of the Act as also after considering that in case respondent No.2's complaint is dismissed the interim compensation would be refunded to the petitioner within 60 days on his acquittal, directed the petitioner to pay to the respondent 20% of the cheque amount as interim compensation.

The afore reasons by the trial court to arrive at the impugned conclusion are found to be reasonable and therefore they warrant no interference by this Court under its jurisdiction under Section 482 Cr.P.C.

Dismissed.

22.02.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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