

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(261)

2023:PHHC:070257
CRM-M-10688-2022
Date of Decision: 15.05.2023
--Petitioner

Baljit Kaur

Versus

Ranjit Hospital

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. R.K. Jaswal, Advocate for the petitioner.

Mr. Gourav Pal, Advocate for
Mr. Prateek Sodhi, Advocate for respondent.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed by the petitioner praying for quashing of complaint no. NACT/4749/2018 dated 28.8.2018 pending before the learned JMIC, Amritsar and summoning order dated 15.10.2018 whereby the petitioner has been summoned to face trial under section 138 of Negotiable Instruments Act as also for quashing of all the consequential proceedings arising therefrom.

As per the facts of the case, petitioner, who was having friendly relations with the proprietor of the respondent/complainant borrowed a sum of Rs.5,00,000/- from him as loan. In order to discharge her legal liability, the accused/petitioner issued a cheque bearing No.000020 dated 25.5.2018 in favour of the respondent/complainant drawn at HDFC Bank Ltd., Branch Office Meerankot Chowk, VPO Kamoh, Amritsar. When the complainant presented the said cheque with his banker, the same was dishonoured vide memo dated 17.7.2018 with remarks "Funds Insufficient". Thereafter, the respondent-complainant sent a legal notice dated 2.8.2018 to the accused/petitioner requesting her to make payment but despite that, no

payment was made and thus, the complaint was filed. Vide order dated 15.10.2018 the petitioner has been summoned to face trial under section 138 of Negotiable Instruments Act. Aggrieved by the same, the petitioner has filed the present petition.

Learned counsel for the petitioner has stated that during the pendency of this petition both the parties have amicably resolved the issue and as per the compromise arrived at the total amount payable by the petitioner to the respondent would be Rs.5,50,000/-. He submits that out of the agreed amount of Rs.5,50,000/- petitioner has already paid a sum of Rs.3,50,000/- to the respondent and a sum of Rs.2,00,000/- which was directed to be deposited with the Trial Court by this court vide order dated 11.3.2022 is to be released to the complainant. He submits that the matter has been compromised and the complainant is ready to withdraw his complaint after receipt of amount of Rs.2 lakh lying deposited in the Trial Court. He further submits that he may be allowed to withdraw the present petition.

Learned counsel for the respondent has affirmed the submissions made by counsel for petitioner.

Prayer is allowed.

Dismissed as withdrawn.

Learned Trial Court is directed to release the amount of Rs.2 lakh deposited before it by the petitioner by way of demand draft in favour of the complainant-respondent forthwith.

(RAJESH BHARDWAJ)
JUDGE

15.05.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No