

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

**CRM-M-26872-2023**

**Date of Decision: May 26, 2023**

**BABA GARMENTS AND ANOTHER**

.....Petitioners

Versus

**VIJAY KUMAR**

..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. B.S. Baath, Advocate for the petitioners.

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**HARKESH MANUJA, J. (ORAL)**

1. By way of present petition filed under Section 482 CrPC, prayer has been made for quashing of order dated 24.03.2023 passed by the Court of Judicial Magistrate First Class, Gurdaspur whereby the petitioner has been directed to deposit interim compensation to the tune of 15% of cheque amount which forms part of complaint No. NACT/241/2022 dated 25.05.2022 filed at the instance of respondent-complainant.

2. Learned counsel for the petitioner submits that the petitioner has raised reasonable and plausible defence against the case set up in the complaint while objecting to grant of interim compensation, however, the plea raised by petitioner has not been properly appreciated and dealt with by the trial Court. He further submits that the petitioner never ever borrowed any amount from the complainant, however, the cheque in question was issued as security at the asking of one Naresh kumar who happened to be an old-known friend of the petitioner.

3. I have gone through the order passed by trial Court, though, I do not find any illegality or perversity in the discretion

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exercised by the Court below, however, considering the plea raised by the petitioner while objecting to the grant of interim compensation, besides keeping in view the interest of justice, the impugned order dated 24.03.2023 passed by the Court of JMIC Gurdaspur is ordered to be modified to an extent that the petitioner shall deposit 10% of cheque amount instead of 15% as ruled in the impugned order.

4.           Disposed of in the aforesaid terms.
5.           The present petition is being disposed of without issuance of any notice to respondent as the same would delay the disposal of complaint and also burden the complainants with unnecessary cost of litigation.

26.05.2023  
tejwinder

(HARKESH MANUJA)  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |