

CRM-M No.34051 of 2023 (O&M)

2023:PHHC:156014

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

CRM-M No.34051 of 2023 (O&M)
Date of Decision: 06.12.2023

PUSHAP KUMAR

.....Petitioner

Vs

JATINDER KUMAR

...Respondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*Present: Mr. S.K. Choudhary, Advocate
for the petitioner.Mr. Vivek Aggarwal, Advocate
for the respondent.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition under Section 482 Cr.P.C., petitioner seeks quashing of Complaint NACT Filing No.5077/2021 and Registration No.599/2021 (Annexure P-1) filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter to be referred as 'the N.I. Act') titled as '*Jatinder Kumar vs. Pushap Kumar*' and summoning order dated 15.12.2021 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Gurdaspur along with all consequential proceedings arising therefrom.

[2]. Briefly stating, on account of dishonour of cheque dated 25.10.2021 amounting to Rs.2,00,000/- (Rupees Two Lakhs only), respondent filed a complaint under Section 138 of the N.I. Act against the petitioner, wherein he was summoned vide order dated 15.12.2021.

[3]. On 19.09.2023, following order was passed the Co-ordinate Bench of this Court:-

“Learned counsel for the petitioner as also respondent are ad idem that to explore the possibility of compromise the matter may be referred to Mediation and Conciliation Centre of this Court.

In view of the aforesaid, the parties are directed to appear before the Mediator of Mediation and Conciliation Centre of this Court on 29.09.2023.

Adjourned to 06.12.2023, to await the outcome of mediation proceedings.

19.09.2023
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(ARUN MONGA)
JUDGE

[4]. In pursuance thereof, both the parties appeared before the Mediation and Conciliation Centre of this Court and have settled their dispute by way of an amicable settlement. A report dated 08.11.2023 to this effect has also been received from the Mediator.

[5]. Learned counsel appearing on behalf of the respondent/complainant admits the factum of amicable settlement arrived at between the parties before the Mediation and Conciliation Centre of this Court. Learned counsel further submits that the respondent/complainant has no objection if the prayer made by petitioner is accepted and proceedings arising out of complaint under Section 138 of the N.I. Act are quashed on the basis of aforesaid settlement agreement dated 08.11.2023.

[6]. In view thereof, the settlement arrived at between the parties before the Mediation and Conciliation Centre of this Court the same having not been disputed or denied by the respondent/complainant, no cause survives in favour of

the respondent to pursue and continue with the proceedings arising out of Complaint NACT Filing No.5077/2021 and Registration No.599/2021.

[7]. Consequently, the present petition is allowed. The proceedings arising out of Complaint NACT Filing No.5077/2021 and Registration No.599/2021 (Annexure P-1) filed under Section 138 of the N.I. Act and summoning order dated 15.12.2021 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Gurdaspur along with all consequential proceedings arising therefrom are quashed.

[8]. CRM No.44712 of 2023 along with all other pending application(s), if, any is also disposed of accordingly.

December 06, 2023

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Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No