

CRM-M-43485-2022
Date of decision: 19.12.2023

Versus

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

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SANJIV BERRY, J. (ORAL)

2. It is submitted by learned counsel for the petitioners that out of total settled amount of Rs. 1,20,000/-, vide demand draft dated 15.11.2023, an amount of Rs.50,000/- was paid and the balance amount of Rs. 70,000/- has been paid today, vide demand draft (*supra*) as per the settlement effected between the parties in the Mediation Centre on 12.09.2023.

3. Learned counsel for the petitioners further submits that since the settled amount has already been paid to the complainant, therefore, the impugned order dated 21.04.2022 passed by learned Judicial Magistrate Ist Class, Ludhiana, may be set aside and the complaint No. COMA-7137-2019 titled as '*M/s Sangam Weavers Pvt. Ltd. vs. M/s Salt Clothing Co. and others*' filed under Section 138 of the Negotiable Instrument Act read with Section 420 IPC, may be dismissed.

4. Learned counsel appearing on behalf of respondent had admitted having received the entire settled amount of Rs. 1,20,000/- as per settlement effected between the parties in the Mediation Centre towards full and final settlement of the amount of cheque in question/transaction and has no objection if the impugned order is set aside and the complaint filed by respondent is ordered to be dismissed as withdrawn.

5. Keeping in view the facts and circumstances, since the matter stands settled between the parties in the Mediation Centre, the petitioner, on being summoned, had moved an application for compounding of offences before learned Judicial Magistrate Ist Class, Ludhiana, dealing with the aforesaid complaint (supra), however, the same was dismissed vide the impugned order dated 21.04.2022 (Annexure P-4) and aggrieved by the same, the petitioner filed the present petition seeking quashing thereof.

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6. As stated above, the matter was referred to Mediation wherein, settlement dated 12.09.2023 was effected between the parties and in pursuance thereto, the petitioner had paid the entire settled amount of Rs. 1,20,000/- to the complainant towards full and final settlement of the cheque in question/transaction.

7. Learned counsel for the respondent has also admitted acceptance of the amount towards full and final settlement of cheque in question/transaction and has no objection if the impugned order dated 21.04.2022 (Annexure P-4) is set aside and the complaint, i.e. COMA-7137-2019 (supra) is ordered to be dismissed as withdrawn.

8. Considering the aforesaid submissions, impugned order dated 21.04.2022 (Annexure P-4), passed by learned Judicial Magistrate Ist Class, Ludhiana, is hereby set aside and the complaint, i.e. COMA-7137-2019, is ordered to be dismissed as withdrawn.

9. Disposed of.

19.12.2023
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes/No |