

201 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10612-2017

DATE OF DECISION:-20.02.2023

M/s Pharmer through its partners
Rakesh Kumar Gupta

...Petitioner.

Vs.

M/s Mahadev Pharmaceuticals

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. P.K. Sharma, Advocate for the petitioner.

Mr. Rajiv Dhawan, Advocate for the respondent.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of complaint No.3348 of 2015 under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to "1881 Act"), wherein, the petitioners were summoned by the trial court vide order dated 17.04.2015.

Learned counsel for the petitioner submits that on account of dishonour of cheque No.019029 dated 05.12.2014, amounting to Rs.54,975/- drawn on Axis Bank Ltd., MDC, Sector 5, Panchkula, a complaint was filed before the learned JMIC, Panchkula, whereby, the petitioners were summoned vide order dated 17.04.2015. Learned counsel further submits that the petitioners appeared before the trial court and were granted the concession of bail. He also submits that the present petition has been filed seeking quashing of the criminal complaint No.3348-2015 as well as summoning order.

Notice of motion in the present case was issued vide order dated 29.03.2017 and further proceedings before the trial court were ordered to remain stayed.

In pursuance thereto, Mr. Rajiv Dhawan, Advocate appeared on behalf of respondent/complainant.

During the pendency of the present petition, the parties have settled their dispute as regards the cheque in question and the petitioners have already discharged their liability by issuing demand draft bearing No.008453, dated 17.02.2023, amounting to Rs.65,000/- drawn on HDFC Bank, the original of which has been handed over to the learned counsel representing the respondent-complainant in Court, who has accepted the same in discharge of full and final settlement as regards the cheque in question.

In view of the aforesaid circumstances, the liability of the petitioner against the cheque in question having stood discharged, invoking Section 147 of the 1881 Act, the matter stands compounded between the parties and thus, no useful purpose is going to be served by continuing with the proceedings arising out of complaint filed under Section 138 of 1881 Act.

Accordingly, the present petition is hereby allowed, thereby, quashing the criminal complaint No.3348-2015 as well as summoning order dated 17.04.2015.

20.02.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No