

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

Date of decision : 29th August, 2023

1. CRM-M-1467-2018 (O&M)
2. CRM-M-1468-2018 (O&M)
3. CRM-M-1469-2018 (O&M)
4. CRM-M-1470-2018 (O&M)
5. CRM-M-1471-2018 (O&M)
6. CRM-M-1472-2018 (O&M)
7. CRM-M-1473-2018 (O&M)
8. CRM-M-1474-2018 (O&M)
9. CRM-M-1475-2018 (O&M)
10. CRM-M-1476-2018 (O&M)
11. CRM-M-1477-2018 (O&M)
12. CRM-M-1481-2018 (O&M)
13. CRM-M-35681-2019
14. CRM-M-35729-2019
15. CRM-M-35733-2019
16. CRM-M-35735-2019
17. CRM-M-35840-2019
18. CRM-M-35842-2019
19. CRM-M-35849-2019
20. CRM-M-35851-2019
21. CRM-M-35852-2019
22. CRM-M-35853-2019
23. CRM-M-36121-2019
24. CRM-M-36131-2019

KSM Spinning Mills Ltd and others

.....Petitioners

vs.

M/s Sushil Kumar Munish Kumar

.....Respondent

25. CRM-M-48879-2017

Sirish Mittal

.....Petitioner

vs.

M/s Sushil Kumar Munish Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. S.D. Bansal, Advocate for the petitioner(s).

Mr. Aakash Singla, Advocate and

Mr. Tushar Sharma, Advocate for respondent.

PANKAJ JAIN, J. (ORAL)

All these petitions arise out of proceedings under Section 138
of the Negotiable Instruments Act, 1881.

2. On 30th of August, 2018 an agreed order was passed to the following extent :

“Learned counsel for petitioner submits that he has instructions to state that the petitioners will pay the entire due amount which is approximately ₹1.42 Crore excluding interest (regarding which dispute is pending before the civil court) to the respondent within six months by giving demand draft of ₹24 lakhs each or deposit of the said amount every month in the bank account number of which may be supplied by the respondent.

Learned counsel for respondent submits that he has no objection if petitioner be given opportunity as sought.

In view of the submissions of learned counsel for parties, this petition is adjourned to 30.10.2018. The petitioners will deposit first installment of ₹24 lakhs in the bank account number of which will be supplied to learned counsel for petitioners by respondent, within two weeks i.e. on or before 15.9.2018. The next installment of ₹24 lakhs will be paid/deposited on or before 15.10.2018.

It is also agreed that on payment of the amount of ₹1.42 Crore, both the parties will withdraw civil suit/complaint/FIR got registered by them or seek quashing of the same by mutual consent except one civil suit filed by the respondent claiming interest over the amount of ₹1.92 Crore in which also he will confine the relief only with regard to grant of interest.

Copy of this order be placed on the file of other connected matter.”

3. Counsel for the parties are *ad idem* that the amount pursuant to the said settlement stands paid by the petitioner to the respondent. There was some default and the payment got delayed. Today an interest of Rs.10.00 lacs on the delayed payment also stands made good.

4. In view above, all these petitions are disposed off having been

settled and all the complaints under Section 138 of the N.I. Act which are subject matter of these petitions stand compounded.

5. Keeping in view that the complaints stand compounded all proceedings as a consequence of the aforesaid complaints or the orders passed therein stand quashed. Subsequent thereto FIRs under Section 174-A IPC have also come into being. Respondent-complaint shall be duty bound to co-operate in quashing thereof as well if need so arises.

6. Ordered accordingly.

7. Pending application, if any, shall also stands disposed off.

8. A copy of this order be kept on the files of other connected cases.

August 29, 2023

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No