

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

CRM-M-1702-2023

Date of decision : 19.03.2024

BALJEET SINGH

....Petitioner

Versus

THE NATHANA PRIMARY COOPERATIVE DEVELOPMENT BANK
LTD

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nirmaljeet Singh, Advocate for the petitioner.

Mr. Tushar Sharma, Advocate for the respondent.

PANKAJ JAIN, J. (ORAL)

Prayer is for quashing of order dated 1st of December, 2022 passed by JMIC, Bhatinda whereby the application filed by the petitioner seeking compounding of the offence on payment of cheque amount stands rejected.

2. Today counsel for the petitioner has brought demand draft amounting to Rs.77,086/- in the name of the complainant which includes cheque amount along with interest @ 9% per annum from the date of issuance of cheque till November, 2023. Copy thereof has been kept with the record.

3. In the considered opinion of this Court, the petitioner having paid the cheque amount along with the interest @ 9%, it would not be appropriate to prolong the trial and it is rather in the interest of the complainant also which is a Cooperative Society to accept the said payment instead of wasting and employing its resources in the prolonged trial.

4. Apex Court in the case of **Damodar S. Prabhu vs. Sayed Babalal H. (2010) 5 SCC 663** held as under:

“13. It is quite obvious that with respect to the offence of dishonour of cheques, it is the compensatory aspect of the remedy which should be given priority over the punitive aspect. There is also some support for the apprehensions raised by the learned Attorney General that a majority of cheque bounce cases are indeed being compromised or settled by way of compounding, albeit during the later stages of litigation thereby contributing to undue delay in justice-delivery. xxx”

5. In view of above, the present petition is allowed. Order dated 01.12.2022 is set aside. Offence punishable under Section 138 of the N.I. Act qua the petitioner is ordered to be compounded.

March 19, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No