

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

CRM-M-5314-2024
Date of Decision : 02.02.2024

SURINDER KUMAR BINDAL AND ANR.Petitioners

VERSUS

SATINDER NATH RADHEY SHYAM AND SONSRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Shreenath A. Khemka, Advocate,
for the petitioners.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, prayer is made for quashing the complaint bearing No.NACT no.135 of 2016, instituted before learned SDJM, Safidon (Annexure P-1), and all consequential proceedings emanating therefrom, on the ground that the petitioners are ready to compound the offence, while making entire amount due good.

2. In order to show his *bona fide*, learned counsel for the petitioners submits that today he has brought a demand draft issued in favour of the complainant/respondent, and he is ready to give it to the respondent/complainant.

3. Be that as it may, a perusal of the petition makes revelation that the petitioner has been convicted by the learned trial Court concerned for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881, vide judgment and order of conviction dated 17.04.2018, and the statutory appeal preferred by the present petitioner is pending adjudication before the First Appellate Court

concerned. Therefore, this Court is not inclined to entertain the prayer of the petitioner under instant motion, which is preferred under Section 482 Cr.P.C. as the petitioners could have raised this plea before the learned First Appellate Court concerned.

Consequently, the instant petition is **disposed of** with a liberty to the petitioners to file an appropriate application for compounding the offence before the First Appellate Court concerned. Liberty is also granted to raise all the pleas, which have been raised before this Court, before the First Appellate Court concerned, at an appropriate stage. In case such application is filed before the First Appellate Court concerned, the same shall be considered and decided after giving due opportunity of hearing to the respondent/complainant.

February 02, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No