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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10865-2024 (O&M)
Date of decision: 29.02.2024

Gagandeep Singh

...Petitioner

Versus

The State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhishek Khullar, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

CRM-9448-2024

Allowed as prayed for.

CRM-M-10865-2024

1. The present petition has been filed by petitioner Gagandeep Singh seeking quashing of order dated 27.07.2023 (Annexure P-2) passed by the Court of Judicial Magistrate, Ist Class, Jalandhar in a criminal complaint NACT/5538/2019 titled as Nanda Medicine Center Vs. Xester Biohealth and others, under Section 138 of Negotiable Instruments Act whereby the petitioner was declared as proclaimed person in the aforesaid criminal complaint and SHO concerned was directed to lodge FIR under Section 174-A IPC against the petitioner.

2. The counsel for the petitioner submits that after the passing of

the impugned order (Annexure P-2), petitioner effected compromise with complainant/respondent No.2 vide compromise deed (Annexure P-3) and on the basis of the said compromise, the aforesaid criminal complaint was withdrawn by complainant against the petitioner vide order (Annexure P-4) dated 07.12.2023. The counsel for the petitioner further submits that in view of the order (Annexure P-4), the impugned order (Annexure P-2) is not sustainable and deserves to be set aside.

3. Notice of motion.

4. Ms. Shikha Jaidka, has put in appearance on behalf of respondent No.2 and filed Power of Attorney, which is taken on record. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State.

5. The counsel appearing on behalf of respondent No.2 while endorsing the assertions made by counsel for the petitioner has admitted compromise deed (Annexure P-3) and further admitted that on the basis of the said compromise, the criminal complaint number NACT/5538/2019 is withdrawn against the present petitioner vide order (Annexure P-4). The counsel for respondent No.2 has pleaded no objection, if the present petition is allowed and impugned order is set aside.

6. The State counsel submits that the dispute is between two private parties with regard to dishonor of certain cheque. He further submits that the present petition be disposed of in accordance with law.

7. In light of the above, it is evident that matter has been compromised between the petitioner and complainant/respondent No.2 and the criminal complaint NACT/5538/2019 filed by respondent No.2 under Section 138 NI Act is already withdrawn against the petitioner vide order

(Annexure P-4) dated 07.12.2023. It being so, the impugned order (Annexure P-2) which is off shoot of the aforesaid criminal complaint is not sustainable in eye of law and deserves to be set aside.

8. In light of the above, the present petition is hereby allowed without expressing any opinion on the merits of the case and impugned order dated 27.07.2023 (Annexure P-2) passed by the trial Court is hereby set aside qua the petitioner only.

9. The present petition stands disposed of in aforesaid terms.

29.02.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No