

2024:PHHC:106243



IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

129

CRM-M-25317-2023
DECIDED ON: 26.04.2024

LALITA YADAV

.....PETITIONER

VERSUS

ANITA YADAV

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner.

Mr. J.P. Sharma, Advocate
for the respondent.

SANDEEP MOUDGIL, J

1. RELIEF SOUGHT

The jurisdiction of this Court under Section 482 Cr.P.C. has been invoked seeking quashing of order dated 06.03.2023 (Annexure P-6) passed by Judicial Magistrate Ist Class, Narnaul, vide which an application seeking compounding of cheque amount to the tune of Rs.10,000/- has been dismissed as well as complaint No. NACT/11 of 2017 (Annexure P-2) titled as “Anita Yadav Vs. Lalita Yadav” along-with all subsequent proceedings arising therefrom.

2. FACTS

The complaint under Section 138 of Negotiable Instruments Act, 1881 has been instituted by Anita Yadav-complainant on account of dishonour of cheque bearing No. 002375, dated 02.12.2016 amounting to Rs.10,000/-.

3. SUBMISSIONS**ON BEHALF OF THE PETITIONER AND RESPONDENT**

It has been submitted on behalf of the petitioner that respondent-complainant is her daughter-in-law and she has filed execution petition under Section 128 Cr.P.C. claiming the maintenance wherein, the petitioner being mother of Sunil Kumar (husband of the respondent-complainant) given a cheque to the tune of Rs.10,000/-, which was returned by the bank on account of the fact that no account with account No. 3160101085822 exists in the bank. It is further submitted that due to some inadvertent error the account number is mentioned as 3160101085822 instead of 3160101085622. Thereafter, the petitioner filed an application dated 27.05.2022 for compounding of the cheque amount on account of the fact that she is ready and willing to pay the cheque amount in question. However, the said application was dismissed by the trial Court on account of the fact that complainant has not consented to get the said matter compounded.

4. ANALYSIS

It is not in dispute that application under Section 138 of Negotiable Instruments Act, 1881 has been preferred against the petitioner on account of dishonour of cheque bearing No. 002375, dated 02.12.2016 amounting to Rs.10,000/-. The application dated 27.05.2022 was dismissed by the trial Court by observing that the respondent-complainant has not consented to get the matter compromised.

Keeping in view the fact that the dispute is between mother-in-law and her daughter-in-law over a cheque amounting to Rs.10,000/-, vide order dated 13.09.2023, the parties were directed to appear before the Mediation and Conciliation Centre of this Court on 30.10.2023 at 10.00 am and the case was adjourned to 05.12.2023 to await report of the Mediator. On 05.12.2023, counsel

for the parties had sought more time to appear before the Mediation and Conciliation Centre to explore the possibility of settlement and the parties were again directed to appear before the Centre on 15.10.2024 and report was called for 19.03.2024. In compliance, thereof, report has been received wherein, it has been categorically stated that this is a non-starter case as both the parties never came together for mediation even before and after receiving back the case from this Court, meaning thereby, the parties are not ready and willing to settle the dispute.

As per Section 147 of the NI Act, there is a provision for compounding of offence but only with the consent of the complainant. In the case in hand, from the report of mediator, it is evident that neither the complainant nor the petitioner-accused is ready to settle the dispute.

5. **CONCLUSION**

In view of the discussions made hereinabove, added with the fact that both the parties are not ready to settle the dispute, no interference is called for, to quash the impugned order dated 06.03.2023 (Annexure P-6) as well as the complaint i.e. NACT/11 of 2017, titled as **“Anita Yadav Vs. Lalita Yadav”**. Hence the present petition stands dismissed being devoid of any merits.

26.04.2024
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No