



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 26567 of 2024 (O&M)
Date of Decision: 23.05.2024

Ekta Dhingra
..... Petitioner

Versus

Sanjeev Chugh and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioner.

Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate
for respondent No. 1.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 09.05.2024 (Annexure P-1) passed by the learned Additional Sessions Judge, Gurugram, whereby on the oral request made on behalf of the petitioner for explaining exceptional circumstances in terms of “*Jamboo Bhandari Versus M.P. State Industrial Development Corporation Ltd. & Ors.*”, reported as *2023 (4) RCR (Criminal) 296*, deposit of 20% of the compensation amount, stands declined.

[2] Having been convicted vide judgment dated 22.01.2024 in a complaint under Section 138 of the Negotiable Instruments Act, the petitioner filed first appeal, wherein, vide order dated 23.02.2024 passed by the Appellate Court, the petitioner was directed to deposit 20% of the

compensation amount. The said order dated 23.02.2024 was assailed by the petitioner before this Court by way of petition bearing CRM-M-20918-2024, titled “*Ekta Dhingra Versus Sanjeev Chugh and another*”, which came to be disposed off vide order dated 26.04.2024 (Annexure P-3) with the following observations:-

“ Having heard learned counsel for the petitioner and considering the facts and circumstances of the present case, the order dated 23.02.2024 is modified to the extent that the petitioner shall deposit 10% towards the amount of compensation before the First Appellate Court within a period of 15 days from today, which shall be released to respondent No.1-complainant. As regards the remaining amount towards compensation, the petitioner shall be at liberty to approach the first Appellate Court pointing out her exceptional case in her favour and the same shall be considered and decided by the concerned Court while considering the exposition of law laid down in Jamboo Bhandari’s case (supra). ”

[3] Instead of filing of any application pointing out exceptional circumstances about the financial condition of the petitioner, such plea was verbally submitted and raised before the First Appellate Court on the date fixed alongwith the deposit of 10% of the compensation amount. The First Appellate Court vide impugned order dated 09.05.2024 dismissed the plea raised on behalf of the petitioner as regards her financial constraints relating to deposit of full 20% of the compensation amount.

[4] Although, no illegality or perversity could be found in the impugned order dated 09.05.2024 passed by the Appellate Court, however, as the petitioner raises doubts about the orders passed by the RERA and

relied upon in the impugned order, purely in the interest of justice, another opportunity for one week is accorded to the petitioner for filing the application explaining her financial status in terms of decision in case of ***Jamboo Bhandari's case (supra)***. The same shall be, however, subject to deposit of additional 5% of the compensation amount i.e. Rs.12.50 lakhs within a period of seven days from today. In case, such application is filed on behalf of the petitioner within a period of seven days from today, the same shall be decided within a period of fifteen days thereafter, as per law.

[5] Though, the petition was disposed off with the aforementioned observations, however, before order could be signed, a request for withdrawal of the petition has been made by the learned counsel for petitioner, the same is **allowed** and the petitioner is permitted to **withdraw the present petition**.

[6] Considering the fact that the cheque in question pertains to the year 2017 and the *lis* is pending for the past almost seven years, learned Appellate Court is requested to decide the first appeal, as per law, at the earliest, preferably within a period of three months from today.

[7] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

May 23, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>