

CRM-M-27271-2023

116

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-27271-2023

Decided on: 28.05.2024

Anil Mahajan

...Petitioner

Versus

Raghbir Singh Balwan Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bipan Ghai, Sr. Advocate with  
Mr. Nikhil Ghai, Advocate and  
Mr. Bhupender Ghai, Advocate and  
Mr. Jatin, Advocate  
for the petitioner.

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ANOOP CHITKARA, J.

|                       |                                                                                                                                                            |
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| Criminal<br>Complaint | No.35/2017 dated 03.02.2017 u/s 138 of Negotiable Instruments Act 1881 titled as “Raghbir Singh Balwan Singh versus Chintpurni Foods Pvt. LTd. and others” |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|

1. Seeking compounding of the alleged offence committed by the petitioner under Section 138 of Negotiable Instruments Act 1881 in the complaint captioned above, petitioner has come up before this Court by filing the present petition under Section 482 r/w 320 CrPC.
2. The limited ground on which the petitioner seeks quashing of the complaint is that he is willing to pay entire cheque amount and he has also showed his bonafide by annexing the demand draft which is in favour of the respondent-Raghbir Singh Balwan Singh, to the tune of Rs.5 lacs. However Section 147 of NIA 1881 explicitly provides for a provision of compounding of the offences. Such right has to be exercised before the Court which is seized of such matters, that is trial Court, when the complaint is pending which is the case in question.
3. The nature of order this court proposes to pass, no response is required from the respondent.



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4. Given above, appropriate Court to entertain this type of applications in the trial Court. Petitioner submits that complainant may not be interested because he is more interested to harass and cause trouble for petitioner by making him appear on each and every date. Given such prayer and coupled with the fact that the petitioner has showed his bonafide, the petitioner's presence before the trial Court shall be exempted and he is permitted to appear through counsel on all dates except when in the opinion of the Court, his presence is required. This is subject to the condition that petitioner shall not claim any prejudice in this regard and in case his counsel fails to appear even on one date, this order regarding exemption shall be recalled automatically. This is also subject to the condition that as and when trial Court insists upon the petitioner's presence he shall appear and if he again fails to appear, this order shall stand recalled. Given the stand taken by the petitioner, trial Court is requested to send the matter to the Mediation Center. Petitioner is directed to appear before the concerned Court on or before **07.06.2024**, the date fixed before the trial Court and the petitioner shall file an application annexing the draft to show his bonafide.

**Petition is partly allowed to the extent and subject to the conditions mentioned above.** All pending applications, if any, stand disposed.

(ANOOP CHITKARA)  
JUDGE

28.05.2024

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Whether speaking/reasoned:

Yes

Whether reportable:

No.