



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CRM-M-32178-2024
Date of decision: July 10th, 2024

Buta Singh
.....Petitioner

Versus

Yadwinder Singh
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harpreet Singh Mann, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking quashing of order dated 29.05.2024 (Annexure P-3) passed by JMIC, Faridkot, in Case No.NACT/504/2020 registered on 02.09.2020, whereby an application filed by the complainant under Section 143-A of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the Act') for directing the petitioner-accused to pay 20% of the cheque amount as interim compensation has been allowed.

2. Learned counsel for the petitioner, *inter alia*, contends that the trial Court had been directed by this Court to decide the application moved under Section 143-A of the Act afresh by passing a speaking order, however, the trial Court had yet again erred in not passing a speaking order. While drawing the attention of this Court to the impugned order, learned counsel submits that it reveals total non-application of judicial mind and no reason has been recorded therein by the trial Court as to why it chose to direct the petitioner to pay to the extent of 20% of the cheque amount as interim compensation. Learned counsel has further contended that merely

because the petitioner had not pleaded guilty, would not be a ground for directing him to make payment of interim compensation as the provisions of Section 143-A of the Act are merely directory in nature. In support of his submissions, learned counsel has placed reliance on the judgment of Coordinate Bench in *Shankar Dayal Sharma Versus. Rahul Choudhary in CRM-M-32880 of 2022 (decided on 01.09.2022)*.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. In compliance of order dated 13.05.2024 (Annexure P-2) passed by this Court in CRM-M-23748 of 2024, the trial Court passed the order dated 29.05.2024 (Annexure P-3), which has been impugned in the present petition.

5. This Court thus, finds no force in the submissions made by the learned counsel for the petitioner that the impugned order was a nonspeaking order. Therefore, in the circumstances, even the case laws relied upon by the counsel for the petitioner would not come to his rescue. The trial Court has recorded adequate reasons while passing the impugned order and merely because the petitioner has been directed to pay 20% of the cheque amount as interim compensation, would not by itself mean that there has been an arbitrary exercise of judicial discretion by the Court below.

6. It would be apposite to point out here that the object behind the insertion of Section 143-A of the Act was to provide for interim compensation to the complainant during the pendency of the proceedings under Section 138 of the Act so as to prevent unscrupulous elements from unnecessarily prolonging proceedings by engaging in dilatory tactics thereby causing grave injustice to the complainant.

A perusal of the history of the case in hand, right from the time when the complaint was instituted reveals that it was being prolonged on one pretext or the other. The amount involved in the cheque in question is ₹10,00,000/-, therefore, directions to deposit 20% of the cheque amount cannot be considered to be exorbitant and rather comes across as being reasonable.

7. As a sequel to the above, this Court is not inclined to invoke its inherent jurisdiction under Section 482 Cr.P.C. by setting aside the impugned order dated 29.05.2024. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. At this stage, learned counsel for the petitioner prays for extension of time to make payment of 20% of the compensation amount.

9. The petitioner is granted extension up to 30.08.2024 to make payment of 20% of the compensation amount.

July 10th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No