



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-39917-2022 (O&M)
Date of Decision : **24.05.2024**

M/S GOSHIES APPARELS PVT LTD AND OTHERS

.....Petitioners

VERSUS

SAPNA MALHOTHA THROUGH ITS LRS

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vikas Jain, Advocate,
for the petitioners.

Mr. Mukul Goyal, Advocate,
for respondent no.1 in CRM-M-39917-2022

Mr. Pranav Chadha, Advocate,
for respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, prayer has been made for quashing of the criminal complaint bearing No.NACT/1151/2020, dated 26.11.2020 (Annexure P-1), instituted under Section 138 of the Negotiable Instruments Act, 1881, pending before the learned JMIC, SAS Nagar, as well as summoning order dated 16.12.2020 (Annexure P-2), vide which the petitioners have been summoned to face trial in the aforesaid complaint.

2. The sole ground for seeking seeking quashing of the complaint is that the petitioners on the first occasion, on appearing before

the learned trial Court concerned, had moved an application for compounding of offence, and showed their intention to submit the cheque amount, subject to reserve his right, to file an appropriate civil suit for the recovery under the alleged settlement arrived between the parties concerned, and that application was dismissed vide order dated 12.10.2022, on account of no consent was given by LRs of the complainant, for compounding of offence.

3. The said application so filed by the petitioners is stated to remain un-adjudicated which caused grievance to the present petitioners and led them to file the instant petition before this Court.

4. Today, learned counsel for the petitioners submits that he has brought a demand draft bearing No.550072, dated 23.05.2024, equivalent to the cheque amount i.e. Rs.7,96,380.00, drawn in favour of husband of the complainant, as the complainant is stated to have died during the pendency of the instant petition. A photocopy of the said demand draft is retained in case file.

5. Learned counsel appearing on behalf of the respondents submits that the respondents are ready and willing to accept the aforesaid demand draft, which is equivalent to the cheque amount in dispute, reserving the right of the petitioners to file an appropriate suit for recovery, as per law.

6. Both the parties are *ad idem* that the instant complaint be quashed, subject to acceptance of the cheque amount, however, reserving the right of the petitioners to file a civil suit for recovery of the cheque

amount in dispute, if any, with liberty to raise all pleas, which are available to the complainant in the civil suit, if so filed.

7. In view of the consensus arrived at between the parties concerned, complaint, bearing No.NACT/1151/2020, dated 26.11.2020 (Annexure P-1), under Section 138 of the Negotiable Instruments Act, 1881, pending before the learned JMIC, SAS Nagar, alongwith the summoning order dated 16.12.2020 (Annexure P-2), are hereby **quashed**.

8. The demand draft drawn in favour of the husband of the complainant, respondent no.1-Sunil Malhotra, is being handed over to his counsel, is subject to the rights of all other LR's to share the same.

9. **Disposed of** accordingly.

May 24, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No