

CRM-M-50118-2023
Date of decision: 20.01.2024

...PETITIONERS

V/S

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Gian Chand Shahpuri, Advocate
for respondent.

HARPREET SINGH BRAR J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure seeking quashing of the complaint No. NIA Act/1164/2018 (Arveen Kaur Vs. M/s Upal Buildtech) filed under Section 138 of Negotiable Instruments Act, 1881 pending in the Court of learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhari (Annexure P-1), summoning order dated 14.06.2018 (Annexure P-2) and all consequential proceedings arising therefrom.

2. Mr. Gian Chand Shahpuri, Advocate has put in appearance on behalf of the respondent and filed his *vakalatnama* which is taken on record. Registry is directed to tag the same at the appropriate place.

3. On 05.10.2023, the following order was passed:

“Prayer in this petition filed under Section 482 Cr.P.C. is for quashing inter alia order dated 21.09.2023 (Annexure P-7), whereby the application preferred by the petitioners for compounding of offence under Section 147 of the Negotiable Instruments Act, 1881, in complaint bearing No. NIA

Act/1164/2018, titled Arveen Kaur vs. M/s Upal Buildtech, has been dismissed.

*Learned counsel for the petitioner places reliance upon the decision of the Apex Court in **Meters and Instruments Private Limited and another vs. Kanchan Mehta, (2018) 1 SCC 560**, to contend that even in the absence of the consent of complainant, the Court, in the interest of justice and on being satisfied that the complainant has been duly compensated can close the proceedings and discharge the accused. He states that the petitioner is ready to compensate the complainant with reasonable interest as may be determined by this Court besides payment of the cheque amount and also deposit the costs in light of the guidelines laid down by the Apex Court in **Damodar S. Prabhu vs. Sayed Babalal H., (2010) 5 SCC 663**. Learned counsel for the petitioners further submits that in order to show their bona fide, petitioners are ready to deposit the said amount before this Court.*

Notice of motion, returnable for 02.11.2023.

Process dasti as well.

In the meantime, proceedings before the trial Court may go on but passing of the final order shall remain stayed. Petitioners are directed to bring in Court demand draft in the sum of `4,00,000/- drawn in favour of the complainant on the next date.”

4. Learned counsel for the petitioners submits that in compliance of the aforesaid order, a demand draft of Rs.4,00,000/- dated 25.10.2023, payable to the respondent, has been handed over to him in the Court today itself. Copy of the same has been retained on the record. Registry is directed to tag the same at the appropriate place.

5. Learned counsel for the respondent submits that in fact, the petitioners are facing other complaints filed by the respondent registered under Section 138 of Negotiable Instruments Act and also under Section 420 of IPC. Learned counsel, on instructions from respondent, who is present in the Court, submits that the complaint **complaint bearing No. NIA Act/1164/2018, titled**

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Arveen Kaur vs. M/s Upal Buildtech Pvt. Ltd. may be compounded without prejudice to the right of the respondent to pursue the other complaints and to take those complaints to their logical conclusion.

6. Keeping in view the facts and circumstances of the case and the fact that the cheque amount involved in the present case is of Rs.2,67,960.96/- (Rupees two lakhs sixty seven thousand nine hundred sixty and ninety six pasa) and the petitioners have duly compensated the respondent by paying Rs.4,00,000/- against the cheque amount and the fact that the interest of the respondent/complainant has been adequately compensated, the impugned *complaint bearing No. NIA Act/1164/2018, titled Arveen Kaur vs. M/s Upal Buildtech Pvt. Ltd.* along with all consequential proceedings arising therefrom are quashed on the basis of settlement between the parties.

January 20, 2024
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No