



CRM-M-51302-2023

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

(232)

CRM-M-51302-2023

Date of Decision : 29.11.2024

M/s Grewal Paints and Hardwar Store and another

...Petitioners

Versus

M/s Sharma Traders through its Proprietor

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Aditya Dassaur, Advocate
for the petitioners.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, filed under Section 482 of Cr.P.C., a prayer is made for issuance of mandamus upon the learned Appellate Court concerned, who is seized of CRA-34 of 2023, titled as 'M/s Grewal Paints and Hardware Store vs. M/s Sharma Traders', to decide the application for compounding before the decision of the main appeal, as preferred by the present petitioner.

2. The petitioner has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, by the learned trial Court concerned, by drawing judgment dated 07.02.2023.

3. Aggrieved with the judgment (supra), the petitioner preferred the statutory appeal. During the pendency of the appeal, the petitioner moved an application for compounding of the offence, which as per the petitioner is still pending consideration.

4. This Court has put up a specific query to learned counsel for the petitioner, whether, the compounding of the offence has been sought with the



consent of the complainant or without the consent of the complainant, to which, the learned counsel for the petitioner answered in negative, that there is no consent of the complainant.

5. Without commenting on the merits of the application, so preferred by the petitioner, this Court deems it appropriate to pass a mandamus upon the learned Appellate Court concerned, to decide the application for compounding of offence, within a month from today.

6. It is made clear that this Court has not made any observations regarding the maintainability of the application, so preferred by the petitioner. The learned Appellate Court concerned, shall decide the application on its own merits.

7. **Disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

November 29, 2024
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No