

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.282

CRM-M-60311-2023 (O&M)

Date of decision:31.01.2024

Birbal Sharma

...Petitioner

Versus

M/s Chhabil Dass Suresh Kumar

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr.H.N. Sahu, Advocate for the petitioner.

Mr.Aman Pal, Advocate for the respondent.

N.S. SHEKHAWAT, J.

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to quash Complaint Case No. NACT-1160-2020 titled as 'M/s Chhabil Dass Suresh Kumar Vs Birbal and another', filed under Section 138 of the Negotiable Instruments Act, 1881 (for short 'NI Act), pending in the Court of Chief Judicial Magistrate, Sirsa as well as summoning order dated 15.01.2021 (Annexure P-3) and all subsequent proceedings arising therefrom.

2. During the course of hearing of the present case and two more connected cases, i.e. CRM-21369-2022 & CRM-M-33096-2023, the parties had arrived at a compromise. On 08.01.2024, the following order was passed by this Court:-

“As per the record, on the last date of hearing i.e. on 14.11.2023, two demand drafts of Rs.45 lakhs in total were

handed over to learned counsel appearing on behalf of respondent No.2 in Court itself. Learned counsel for the petitioner had made a statement that he would pay an additional amount of Rs.10 lakhs to respondent No.2 before this Court.

Today, learned counsel for the petitioner has handed over a demand draft No.522781 dated 02.12.2023 for a sum of Rs.10 lakhs to learned counsel appearing on behalf of respondent No.2. A photocopy of this draft No.522781 has been taken on record as mark 'B'.

Learned counsel appearing on behalf of respondent No.2 submits that he has no objection in case FIR No. 232 dated 16.05.2021 and the complaint under Section 138 of the Negotiable Instruments Act filed by him are ordered to be quashed by this Court. He prays for time to file replies in all petitions in this regard.

Interim order to continue in CRM-M-21369-2022 and CRM-M-33096-2023.

To be heard along with CRM-M-21347-2022.

A photocopy of this order be placed on the connected files.”

3. A short reply by way of affidavit of respondent has been filed and the same is taken on record.

4. Learned counsel appearing on behalf of the respondent submits that the respondent has received the amount of Rs.55 lakhs from the petitioner and he has no objection in case the present petition is allowed on the basis of compromise.

5. Section 147 of NI Act provides that notwithstanding anything contained in the Cr.P.C, every offence punishable under the Act shall be compoundable. In fact Section 147 of the NI Act is in the nature an enabling

provisions which provides for compounding of the offences prescribed under

the same Act, thereby serving as an exception to the general rule incorporated in Section 320 of Code of Criminal Procedure. In the present case, this Court is satisfied that the parties have amicably resolved the dispute and the payment has already been made to the respondent. Thus, the parties are allowed to compound the offences.

6. In view of the above discussion, the present petition is allowed and Complaint Case No. NACT-1160-2020 tilted as ‘M/s Chhabil Dass Suresh Kumar Vs Birbal and another’, pending in the Court of Chief Judicial Magistrate, Sirsa, is quashed along with all the subsequent orders arising therefrom.

(N.S. SHEKHAWAT)
JUDGE

31.01.2024
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO