

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 64389 of 2023 (O&M)
Date of Decision: 20.02.2024

Jasvir Singh @ Jasbir Singh

..... Petitioner

Versus

Jagmohan Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rahul Aggarwal, Advocate
for the petitioner.

Mr. Shailesh Aggarwal, Advocate
for the respondent.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 12.10.2023 (**Annexure P-5**) passed by learned Judicial Magistrate Ist Class, Malerkotla in complaint No.NACT-240-2023, titled “*Jagmohan Singh Versus Jasbir Singh*”, wherein the petitioner has been directed to pay 20% of the cheque amount as interim compensation to the complainant-respondent (Jagmohan Singh) within a period of 60 days from that order.

[2] This Court, while issuing notice of motion vide order dated 21.12.2023, passed the following order:-

“ While relying upon the judgments of this Court titled as “*M/s Guru Nanak Pesticides & Fertilizers vs. FMC India Pvt. Ltd. and another*”, 2023 (3) Law Herald 2176 and “*Harjeet Singh vs. Gagandeep Singh*”, 2022 ACD 829, learned counsel for the petitioner submits that no reasons were recorded in the impugned order while awarding the maximum limit of 20% of the cheque amount as interim compensation.

He further submits that in order to show his bonafide, the petitioner is even ready to deposit 5% of the cheque amount within a period of 15 days.

Notice of motion for 20.02.2024.

In the meanwhile, operation of the impugned order dated 12.10.2023 (Annexure P-5) shall remain stayed, subject to deposit of 5% of the cheque amount within a period of 15 days from today before the Trial Court.”

[3] In pursuance of above order dated 21.12.2023, learned counsel for the petitioner submits that the petitioner has already deposited 5% of the cheque amount and this fact has not been disputed by the learned counsel for the respondent-complainant.

[4] The short grievance of the petitioner is that while passing the impugned order dated 12.10.2023 (P-5), no reasons have been assigned by the trial Court for passing orders regarding grant of interim compensation in favour of the respondent.

[5] Learned counsel for the respondent submits that once the petitioner failed to furnish any explanation as to how the cheque in question came into his hand, no fault can be found with the discretion exercised by the trial Court.

[6] I have heard learned counsel for the parties and gone through the paper-book.

[7] In the present case, the petitioner has already deposited 5% of the cheque amount before the trial Court with further assurance that he would deposit another 5% amount on the date of appearance. Moreover, learned counsel for the petitioner also submits that the petitioner may be permitted to raise his grievance as regards the remaining 10% of the cheque

amount before the trial Court, which may pass a fresh order after hearing both the sides.

[8] Learned counsel for the respondent raises no objection to the aforesaid course.

[9] In view of the agreed stand taken by both the respective counsel(s), the trial Court is requested to pass a fresh order after hearing both the sides on the point of remaining 10% of the cheque amount, as per law.

[10] **Disposed off.**

February 20, 2024

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**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>