

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

2025:PHHC:032168



CRM-M-12627-2025

Date of Decision:06.03.2025

SALMAN

...Petitioner

Vs.

RAHUL TYAGI

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gaurav Gupta, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

The present petition has been filed under Section 528 of The BNSS 2023 seeking quashing of impugned order dated 29.08.2024, Annexure P-2, passed by the ASJ Faridabad, in CRA No.245 of 2024, dated 29.08.2024 arising out of complaint No. NACT 5987 of 2017 dated 29.11.2017 under Section 138 of N.I. Act 1881, *qua* the condition vide which petitioner has been directed to deposit 20% of the compensation or fine awarded by the trial Court.

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to move an appropriate application before the lower Appellate Court, with the reasons/grounds on which he is asking for the waiver of 20% of the compensation amount as stipulated under Section 148 of the Negotiable Instruments Act, who shall adjudicate afresh by passing in the light of ***Jamboo Bhandari versus M.P. State Industrial Development Corporation Ltd. & Ors.***”, decided on 04.09.2023.

Prayer is accepted.

Dismissed as withdrawn with liberty aforesaid.



However, it is made clear that in case the Lower Appellate Court dismissed the application for waiver of the condition, the petitioner would be at liberty to approach this Court again on that cause of action.

(SANDEEP MOUDGIL)
JUDGE

06.03.2025

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