

**4N THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 126

Criminal Miscellaneous No.M-15592 of 2025**Date of Decision: March 21, 2025**Sandeep Kumar

..... PETITIONER(S)

*VERSUS*Sanjay Kumar & another

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**PRESENT:** - Mr. Rhytham Bajaj, Advocate, for the petitioner.**SANDEEP MOUDGIL, J (Oral)**

The jurisdiction of this Court has been invoked under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of impugned order dated 04.09.2024 (Annexure P-2) passed by learned Sessions Judge, Fazilka in Criminal Appeal No.260 of 2024 dated 04.09.2024, titled Sandeep Kumar versus Sanjay Kumar in Criminal Complaint No.NACT/49/2022, dated 11.01.2022, under Section 138 read with Section 142 of Negotiable Instruments Act, 1881.

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 Negotiable Instruments Act, who shall adjudicate afresh by passing an order in the light of “*Jamboo Bhandari versus M.P. State Industrial Development Corporation Ltd. & Ors.*”, decided on 04.09.2023.

Dismissed as withdrawn with liberty aforesaid.



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[2]

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

March 21, 2025
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No