

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

2025:PHHC:168506



Date of decision: 02.12.2025.

(1)

CRM-M-18894-2022 (O&M)

SAMPATRAJ JERUPCHAND JAIN AND ANOTHER

...Petitioner(s)

VERSUS

M/S COMBITIC GLOBAL CAPLET PVT. LTD.

...Respondent(s)

(2)

CRM-M-18896-2022 (O&M)

SAMPATRAJ JERUPCHAND JAIN AND ANOTHER

...Petitioner(s)

VERSUS

M/S COMBITIC GLOBAL CAPLET PVT. LTD.

...Respondent(s)

(3)

CRM-M-18898-2022 (O&M)

SAMPATRAJ JERUPCHAND JAIN AND ANOTHER

...Petitioner(s)

VERSUS

M/S COMBITIC GLOBAL CAPLET PVT. LTD.

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Sumit Kalra, Advocate,
(Through Video Conference)
for the petitioner(s).

Mr. Vikasdeep, Advocate,
(Through Video Conference)
for the respondent.

VINOD S. BHARDWAJ, J. (Oral)

Seeking quashing of three different complaints i.e. Complaint No.1531 dated 12.09.2019 titled as 'M/s Combitic Global Caplet Ltd. Vs. M/s Rakesh Jewellers and another' in CRM-M-18894-2022; Complaint No.1533 dated 12.09.2019 titled as 'M/s Combitic Global Caplet Ltd. Vs. M/s Rakesh Jewellers and another', in CRM-M-18896-2022 and Complaint No.1529 dated 12.09.2019 titled as 'M/s Combitic Global Caplet Ltd. Vs. M/s Rakesh Jewellers and another', in CRM-M-18898-2022, between the same parties, are being decided by a common order since issue involved in the present set of petitions is same.

2 When the matter came up for hearing on 06.05.2022, the following order was passed: -

"A common order is being passed in the 03 criminal petitions filed by the petitioner wherein proceedings has been initiated against the petitioners for offence under Section 138 and 142 of the Negotiable Instruments Act, 1881.

Learned counsel appearing on behalf of the petitioner contends that the 03 different complaints had been instituted against the petitioner on account of dishonour of 03 different cheques for a denomination of Rs.3 Crores; and 02 cheques of Rs. 3,00,000/- each. He contends that after the institution of the complaint (Annexure P-1) before the trial Court, a compromise had been effected between the parties on 25.09.2019 and that fresh cheques were issued towards discharge of the same liability. He contends that upon presentation of the said cheques, even the same were dishonoured resulting in the institution of fresh 03 complaints (Annexure P-10, P-13 and P-16).

*Learned counsel appearing on behalf of the petitioner further submits that the petitioner is thus being prosecuted twice for the same liability and contends that the proceedings in the first complaint (Annexure P-1) cannot continue since fresh cheques had been issued in discharge of the said liability and proceedings have already been instituted with regard to dishonour of the said cheque. He further places reliance on judgment of the Hon'ble Supreme Court in the matter of **"Gimpex Private Limited versus Manoj Goel"** passed in **Criminal Appeal No. 1068 of 2021** decided on 08.10.2021.*

Notice of motion for 05.09.2022.

In the meanwhile, further proceedings before the trial Court in the criminal complaints No. 1531 dated 12.09.2019; 1533 dated 12.09.2019 and 1529 dated 12.09.2019 shall remain

stayed qua the petitioner.

A photocopy of this order be also placed on the file of the other connected case.”

3 Learned counsel for the respondents submits that he has no objection to the present petitions being allowed, however, the same should be without prejudice to the rights that have accrued in their favour on account of dishonour, yet again, of the cheques issued subsequently by the petitioner in discharge of the liability pursuant to the settlement arrived at between the parties.

4 Counsel for the petitioner has no objection to the same.

5 In view of above, the present petitions are allowed. Complaint No.1531 dated 12.09.2019 titled as ‘M/s Combitic Global Caplet Ltd. Vs. M/s Rakesh Jewellers and another’ in CRM-M-18894-2022; Complaint No.1533 dated 12.09.2019 titled as ‘M/s Combitic Global Caplet Ltd. Vs. M/s Rakesh Jewellers and another’, in CRM-M-18896-2022 and Complaint No.1529 dated 12.09.2019 titled as ‘M/s Combitic Global Caplet Ltd. Vs. M/s Rakesh Jewellers and another’, in CRM-M-18898-2022 along with all proceedings arising therein are ordered to be quashed

6 Quashing of the aforesaid complaints, however, shall have no bearing, either on facts or law, on the case set up by the complainant-respondent on account of dishonouring of the subsequent cheques that have been issued by the petitioner(s) in discharge of the liabilities under dispute.

7 Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

8 A photocopy of the order be placed on the connected file(s).

December 02, 2025.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>