

2025:PHHC:047984



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

139

CRM-M-19244-2025 (O&M)

Date of decision: 07.04.2025

Ajit Singh Bagga**...Petitioner****Versus****Chetan Sharma****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Naveen Siwach, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of order dated 18.11.2024 (Annexure P-2), passed by the Court of learned Judicial Magistrate First Class, Rupnagar in Criminal Complaint bearing CIS No. NACT-413-2022, titled as ***Chetan Sharma vs. Ajit Singh Bagga etc.***, whereby an application, moved by the respondent-complainant under Section 143-A of the Negotiable Instruments Act, 1881 to direct the present petitioner to make payment of 15% of the cheque amount as interim compensation, had been allowed and the petitioner was directed to make payment of an amount of Rs.3,75,000/- to the respondent-complainant.

2. It is submitted by learned counsel for the petitioner that he is in custody in connection with a rape case since 22.12.2022. He is the sole bread earner for his family. Due to his being behind bars, he is not in a position to make the payment of interim compensation to the respondent in terms of the impugned order. It is further argued that while passing the impugned order,

2025:PHHC:047984



the petitioner was not given any opportunity of hearing. Therefore, it is urged that the impugned order is liable to be set aside.

3. I have heard learned counsel for the petitioner at considerable length and have also gone through the material placed on record.

4. A perusal of record reveals that proper opportunity to file reply to the application moved by the respondent-complainant and to address arguments thereon had been given to the present petitioner. He had not denied his signatures on the cheque in question. A vague reply had been filed by him. He had not denied his liability to pay the amount of the cheque in question. A detailed order had been passed by the learned Magistrate while giving direction to the petitioner to make payment of 15% of the cheque amount as interim compensation to the respondent. Merely because the petitioner is in custody in some other case, he cannot claim exemption from making payment of interim compensation to the respondent. Accordingly, finding no ground in the petition, the same is dismissed.

07.04.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*