



IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 121

Criminal Miscellaneous No.M-55668 of 2022 (O & M)
Date of Decision: November 07, 2025

Dinesh Gupta

..... PETITIONER(S)

VERSUS

Garg Trading Company & another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE SUBHAS MEHLA**

. . .

PRESENT: - Mr. Sandeep S. Majithia, Advocate, for the applicant-petitioner.

Mr. Dinesh Kumar, Advocate, with Ms. Bhoomika, Advocate, for the respondents.

. . .

SUBHAS MEHLA, J

CRM No.43572 of 2025

The application has been filed seeking modification of order dated 13.10.2025, whereby the main petition was dismissed as withdrawn on the basis of submission made by learned counsel for the petitioner to the effect that complaint in question stood withdrawn since a compromise had been effected between the parties.

The main contention of learned counsel for the applicant-petitioner is that as several cases are pending between the parties to the petition wherein some cases have been withdrawn, and due to inadvertence, the petition was got withdrawn vide order dated 13.10.2025 under the belief that complainant has received complete payment against the cheque in question. However, no such compromise has been effected between the

CRM-M-55668-2022

[2]

parties, hence it is prayed that order dated 13.10.2025 may be modified and main petition be revived.

In view of the contentions made by learned counsel for the applicant-petitioner, the application is allowed; order dated 13.10.2025 is recalled; the main petition is ordered to be restored at its original number.

With the consent of learned counsel for the parties, the matter is taken up on Board today itself.

Main Case

The instant petition has been filed for quashing complaint No.NACT-127/2017 dated 07.04.2017 under Sections 141, 142 of Negotiable Instruments Act, 1881 alongwith consequential proceedings on the basis of compromise effected between the parties and the fact that compromised amount already stands paid.

2. It is the contention of learned counsel for the petitioner that compromise has been effected between the parties and compromised amount was paid to the respondents, but despite that, the complainant has not withdrawn the complaint, and thus, prayed that the present complaint be quashed alongwith consequential proceedings.

3. On the other hand, learned counsel for the respondents-complainant has contended that no compromise has been effected and no payment has been received. It is a disputed fact which can only be adjudicated after receiving evidence led by both the parties, and on this ground, petitioner is not entitled to any relief as prayed for in this petition.

4. Heard.

CRM-M-55668-2022

[3]

5. As the contention of learned counsel for the petitioner that compromise has been effected and he has paid the cheque amount but the same has been rebutted by the complainant by stating that no payment has been received. So, there is a disputed fact regarding the compromise and no compromise has been effected. So, it requires evidence on this fact and same can be adjudicated after receiving evidence of both the parties. In view of the factual matrix of the case in hand, inherent jurisdiction of this Court cannot be exercised *qua* the disputed facts and this Court is not inclined to interfere with the domain of the trial Court where the complaint is pending for adjudication.

6. Dismissed.

(Subhas Mehla)
Judge

November 07, 2025

avin

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No