

2025:PHHC:064592



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

**CRM-M-58630-2022
DECIDED ON: 13.05.2025**

SURJIT SINGH @ SURJEET SINGH

.....PETITIONER

VERSUS

AMARJEET SINGH AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Sandeep Singh, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing the order dated 16.07.2022 (Annexure P-2), whereby the petitioner was summoned, arising out of complaint No. NACT/170 of 2022, titled as Amarjeet Singh versus Surjeet Singh, dated 16.03.2022, under Section 138 of NI Act, 1881 and quashing of the complaint No. NACT/170 of 2022, dated 16.03.2022 (Annexure P-1), which is pending adjudication before learned Additional Chief Judicial Magistrate, Fazilka.

2. The present petition stands admitted by this Court vide order dated 18.07.2023, due to none appearance of respondent No.1 despite service. Today, the case has been listed for hearing by the Registry, as now

respondent No.1-Amarjeet Singh is represented by Mr. Vineet Sachdeva, Advocate, who has filed his power of attorney, which is taken on record.

3. A perusal of the order dated 18.07.2023 reveals that the dispute between the parties has been amicably resolved with the intervention of respectable individuals, and both parties have confirmed that no dues or claims are pending against each other. It has further been mutually agreed that the two cheques bearing No. 428003 and 428005 drawn on the State Bank of India, Fazilka Branch, issued by the petitioner and presently stated to be in the possession of respondent No.1, are untraceable. It is agreed that if the said cheques are located in the future, respondent No.1 shall return them forthwith to the petitioner. It has also been unequivocally undertaken by respondent No.1 that the said cheques shall not be misused in any manner and that in the event of any misuse, respondent No.1 shall bear full legal responsibility. The petitioner shall be at liberty to initiate appropriate legal proceedings in such eventuality.

4. In light of the amicable settlement and the parties having resolved their *inter-se* disputes, this Court is of the considered view that no fruitful purpose would be served in continuing the proceedings under Section 138 of the Negotiable Instruments Act, 1881. The Supreme Court in ***Gian Singh v. State of Punjab [(2012) 10 SCC 303]*** has held that in cases involving offences of a private nature, particularly where the offence arises out of commercial, financial, mercantile, or civil relationships, and where parties have settled the matter amicably, the High Court has the inherent power under Section 482 Cr.P.C. to quash the proceedings to secure the ends of justice.

5. Furthermore, the decision in *M/s Meters and Instruments Pvt. Ltd. and Anr. v. Kanchan Mehta [(2018) 1 SCC 560]* reiterates that Section 138 of the NI Act proceedings are quasi-criminal in nature and that compounding of the offence or quashing of proceedings based on settlement is permissible.

6. Accordingly, in view of the amicable settlement and the legal position elucidated above, the present petition is allowed. Consequently, the complaint bearing No. NACT/170 of 2022 dated 16.03.2022 (Annexure P-1) as well as the summoning order dated 16.07.2022 (Annexure P-2), by which the petitioner was summoned, are hereby quashed.

13.05.2025

Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No