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

CRM-M-61823-2024

Date of decision 16.02.2026

TARUN GOEL

..... PETITIONER

VERSUS

KARNAIL SINGH AND ANR

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Rakesh Nagpal, Advocate
for the petitioner.

Mr. D.K. Mehta, Advocate
for the respondent No.1.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SURYA PARTAP SINGH. J.

1. This petition seeking for quashing of criminal complaint has been filed on the ground that the petitioner is ready to pay the cheque amount to the respondent, and therefore, the above-mentioned complaint deserves to be quashed.

2. In nut-shell the facts emerging from record are that with regard to commission of offence punishable under Section 138 of Negotiable Instruments Act, a complaint was filed by the respondent No.1 against the petitioner in the Court of learned Sub Divisional Judicial Magistrate, Pehowa, hereinafter referred to as trial Court. The above-mentioned trial initiated against the



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petitioner culminated into his conviction by virtue of judgment dated 30.04.2019, and the petitioner has been sentenced to undergo simple imprisonment for a period of six months and also to pay compensation Rs.50,000/-.

3. Aggrieved of the above-mentioned judgment of conviction and order of sentence, the petitioner has filed an appeal in the Court of Sessions, Kurukshetra. The above-mentioned appeal is being dealt with by learned Additional Sessions Judge, Kurukshetra, hereinafter being referred to as Appellate Court only.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the complaint pertaining to present petition has been filed with regard to a cheque worth Rs.50,000/-, and that the learned trial Court while convicting the petitioner has ordered to pay compensation of Rs.50,000/- only. In view of above, it has been submitted by learned counsel for the petitioner that the petitioner is ready to pay the above-mentioned amount to the respondent No.1, and that to show his *bona fide*, he is ready to place a demand draft worth Rs.50,000/- on record. During the course of arguments, the learned counsel for the petitioner has also contended that the petitioner is also ready to pay the requisite interest upon the due amount, if any. In view of above it has been requested that by accepting the present petition the complaint in question, vis-a-vis judgment of conviction, be set aside.

6. In support of his arguments, the learned counsel for the petitioner has referred to the law propounded by the Hon'ble Supreme Court of India in the

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case of 'Raj Reddy Kallem vs. The State of Haryana & Anr.' 2024(3) RCR(Riminal) 322.

7. The above-said arguments have been controverted by learned counsel for the respondent No.1. It has been contended by learned counsel for the respondent No.1 that the petitioner has not approached this Court with clean hands and *bona-fide* intentions. According to learned counsel for the respondent No.1 with regard to loan advance by respondent No.1 to the petitioner a civil suit was filed by the respondent No.1 against the petitioner and in the above-mentioned civil suit a decree for recovery of Rs.1,72,000/- has been passed in favour of respondent No.1. As per learned counsel for the respondent No.1 the respondent No.1 is in litigation with the petitioner for the last 10 years and now simply by saying that the petitioner is ready to return the cheque amount, he cannot wriggle out of the consequences of committing an offence under Section 138 of Negotiable Instruments Act. It has been further contended by learned counsel for the respondent No.1 that present petition is devoid of merit and deserves dismissal.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case undoubtedly the cheque worth Rs.50,000/- is the bone of contention between the parties. By virtue of instant petition, the petitioner is trying to project that once he is ready to pay the amount of compensation awarded by the learned trial Court, the complaint under Section 138 of Negotiable Instruments Act should be quashed. However, this fact cannot be ignored that opportunity to return the money which would have blocked the filing of complaint under Section 138 of Negotiable Instruments Act was available to the petitioner till the expiry of 15



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days from the date of receipt of legal notice. However, during that period the dues were not cleared by the petitioner and now after facing trial and being convicted, he is approaching this Court by claiming *bona fide* with regard to return of cheque amount. In view of above-mentioned factual matrix of the present case, it is apparent on record that the petitioner has not approached the Court with *bona fide* intentions.

10. Here it shall not be out of place to mention that in the case of Raj Reddy Kallem (supra), relied upon by learned counsel for the petitioner, it has been specifically propounded by the Hon'ble Supreme Court of India that even though the complainant has been duly compensated by the accused, yet if the complainant does not agree for the compounding of offence, the Court cannot compel the complainant to give consent for compounding of the matter. In the above-mentioned case, it has also been observed by the Hon'ble Supreme Court of India that it is also true that mere repayment of amount cannot mean that the appellant is absolved of criminal liabilities under Section 138 of Negotiable Instruments Act. The above-mentioned principles of law is applicable to the present petition and thus, it is hereby held that this plea of the petitioner is not sustainable that on the payment of cheque amount/compensation the complaint should be quashed.

11. As a sequel to above-mentioned observations, it is hereby held that the present petition is devoid of merit and deserves dismissal. Hence, the same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

16.02.2026

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Whether speaking/reasoned : Yes
Whether Reportable : No