

(2018) 03 UK CK 0063

In the Uttarakhand High Court

Case No : Criminal Misc. Application No. 1394 of 2017

WASIM KHAN

APPELLANT

Vs

DEVENDRA DEV MITTAL

RESPONDENT

Date of Decision : 22-03-2018

Acts Referred:

Negotiable Instruments Act, — Section 138

Citation : (2018) 03 UK CK 0063

Hon'ble Judges : V.K. BIST, J

Bench : Single Bench

Advocate : D.C.S. Rawat, Lokendra Dobhal

Final Decision : Allowed

Judgement

1. Heard learned counsel for the parties.

2. The criminal misc. application has been filed by the applicant for quashing the entire proceedings of Criminal Complaint Case No. 460 of 2017,

â??Sri Devendra Dev Mittal vs. Wasim Khanâ?, under Section 138 of the Negotiable Instruments Act, pending before the Court of Judicial

Magistrate, Pithoragarh.

3. Briefly put, the case of the applicant is that a deal in respect of a land was done between the applicant and respondent, for which the respondent

paid the amount to the applicant.Â Thereafter, applicant failed to execute the sale deed of the aforesaid land in favour of the respondent.Â

Respondent demanded the money paid by him to the applicant. Thereafter, applicant gave a cheque bearing no. 837543 of the Punjab National Bank,

Branch Dehradun dated 20.12.2016 to the respondent; but the same was dishonoured due to â??insufficient fundâ??.Â On 09.03.2017, respondent

sent a notice to the applicant in respect of dishonour of cheque no. 837543 amounting Rs. 10,00,000/-.

But when nothing was done, respondent instituted a criminal complaint case against the applicant under Section 138 of the Negotiable Instruments Act before the Chief Judicial magistrate

Pithoragarh, which was registered as Criminal Complaint Case No. 460 of 2017. Thereafter, the learned Magistrate summoned the applicant.

4. Learned counsel for the applicant submitted that earlier the Coordinate Bench of this Court directed the applicant to pay Rs. 10,00,000/- to the

respondent. He submitted that, in compliance of the Court's direction, the applicant paid the said amount to the respondent, which is admitted by

the learned counsel for the respondent. Thereafter, the Court directed the applicant to pay Rs. 1,25,000/- to the respondent as compensation, (total

amounting of Rs 2,50,000/-), which is admitted by the learned counsel for the respondent. Respondent counsel agreed for the same.

5. Learned counsel for the applicant submitted that in addition to the total amount, a sum of Rs. 1,25,000/- has been paid by the applicant to the

respondent on 22.03.2018 through bank draft Nos. 957153, 001180 dated 15.03.2018, which is admitted by the learned counsel for the respondent.

Dispute is, thus, finally settled between the parties and respondent is satisfied.

6. In view of the above statement of the learned counsel for the parties and in view of the fact that no useful purpose will be served by keeping the

petition pending, the criminal misc. application deserves to be allowed.

7. Accordingly, the criminal misc. application is allowed. proceedings of Criminal Complaint Case No. 460 of 2017, *Sri Devendra Dev Mittal vs.*

Wasim Khan, under Section 138 of the Negotiable Instruments Act, pending before the Court of Judicial Magistrate, Pithoragarh, is hereby

quashed.