

HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Case No. 478 of 2005

Subhash Kumar Nagpal s/o Sri K.L. Nagpal
R/o 23/3 Tej Bahadur Road, P.S. Dalanwala,
District Dehradun Petitioner

Versus

1. State of Uttaranchal
2. Lotus Financial Services through its Sole
Proprietor Dr. Raman Kumar s/o Harbans Lal
Gumbar R/o 36/2, Vijay Colony, P.S. Dalanwala
District Dehradun
3. Judicial Magistrate, Dehradun Respondents

Criminal Misc. Case No. 972 of 2006

Subhash Kumar Nagpal s/o Sri K.L. Nagpal
R/o 23/3 Tej Bahadur Road, P.S. Dalanwala,
District Dehradun Petitioner

Versus

1. State of Uttaranchal
2. Dr. Raman Kumar s/o Harbans Lal
Gumbar R/o 36/2, Vijay Colony, P.S. Dalanwala
District Dehradun Respondents

Dated: 30.11.2006

Hon'ble Rajesh Tandon, J.

Sri Ankur s/o Sri Subhash Nagpal for the applicant and
Sri Sri Raman Kumar is present for respondent no. 2.

After the exchange of the pleadings a supplementary affidavit has been filed by the petitioner to the following effect:

- 3. That deponent wants to reconcile the entire dispute with opposite party no. 2 in a very reasonable and amicable manner.*
- 4. That in order to reconcile the entire matter the applicants is forwarding an honest proposal before this Hon'ble Court and opposite party no. 2 to the effect that he is willing and ready to pay rupees 90,000/- (bearing nos. 112847, 112848 and 112849 dated 21.11.2006 in lieu of three dishonoured cheques amounting Rs.30,000/- in total as given by applicant to opposite party no. 2.*
- 5. That the deponent is a heart patient and is not in a position to face the trial court regularly.*

The aforesaid conditions are agreeable to the respondent and the parties have settled their disputes amicably.

Section 147 of the Negotiable Instrument Act reads as under:

147: Offences to be compoundable- Notwithstanding anything contained in the Code of Criminal Procedure 1973 every offence punishable under this Act shall be compoundable.

In view of the aforesaid both the petitions under section 482 Cr.P.C. are sent to the Magistrate concerned for recording the compromise and to decide the case in accordance with the compromise between the parties.

Both the parties are directed to appear before the Magistrate concerned on 19.12.2006.

Accordingly, both applications under section 482 Cr.P.C. are disposed of.

Dated: 30.11.2006

Rajesh Tandon, J.

*Dhyani

HIGH COURT OF UTTARANCHAL AT NAINITAL

Correction Application No.

IN

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District Dehradun Respondents

Dated: 19.12.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Vivek Shukla for the petitioner and
for the respondents.

By the present correction application the applicant has prayed for correction in the order dated 30.11.2006. According to the applicant both the parties have settled the dispute and a compromise has taken place between the parties.

Following terms and conditions of the compromise are included in the order-dated 30.11.2006.

“Since present applicant and Dr. Raman Kumar s/o Harbvans Lal Gumbar (Opposite party No. 2) have already reconciled entire dispute in between them on the terms as followed:

- (a) That present applicant Sri Subhash Kumar Nagpal shall give Rs.90,000/- (Ninety thousand) to Dr. Raman Kumar in lieu of Cheque number his three complaint cases number 70/2003, under section 138 of Negotiable Instrument Act, and Criminal complaint case No. 177/03 and Criminal Complaint case No. 178/03 under section 138 of Negotiable Instrument Act, all the three casers pertaining to Police Station Dalanwala District Dehradun and apart from this the present applicant has also undertaken to give Rs.4,10,000/- (Four lakh ten thousand) to Sri Raman Kumar in Criminal Complaint Case No. 2258/2003 under section 138 of Negotiable Instrument Act, Police Station Dalanwala, District Dehradun pending in the court of Special Judicial Magistrate, 2nd Dehradun.”*

With the above addition in the order-dated 31.11.2006,
the correction application is allowed.

Dated: 19.12.2006

Rajesh Tandon, J.

*Dhyani