



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

**CRM-M-29788-2025 (O&M)
DATE OF DECISION :28.05.2025**

MAHESH KUMAR

.....PETITIONER(s)

VERSUS

VINOD KUMAR

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gaurav Gupta, Advocate for the petitioner(s).

SANDEEP MOUDGIL, J.(Oral)

The jurisdiction of this Court has been invoked under Section 528 of The BNSS 2023 (Corresponding section 482 Cr.P.C.) for seeking the kind indulgence of this Court for quashing of impugned order dated 01.02.2025 (Annexure P-2) passed by the ASJ Faridabad, in CRA No. 38 of 2025, dated 01.02.2025 arising out of complaint No. NACT 840 of 2021 dated 03.03.2021 u/s 138 of N.I. Act 1881, qua vide condition the which petitioner/appellant has been directed to deposit 20% of the compensation amount awarded by the Ld. Trial Court.

After arguing for some time, learned counsel for the petitioner

prays for withdrawal of the present petition with liberty to move an appropriate application before the lower Appellate Court, with the reasons/grounds on which he is asking for the waiver of 20% of the compensation amount as stipulated under Section 148 of the Negotiable Instruments Act, who shall adjudicate afresh by passing in the light of *Jamboo Bhandari versus M.P. State Industrial Development Corporation Ltd. & Ors.*”, decided on 04.09.2023.

Prayer is accepted.

Dismissed as withdrawn with liberty aforesaid.

However, it is made clear that in case the Lower Appellate Court dismissed the application for waiver of the condition, the petitioner would be at liberty to approach this Court again on that cause of action.

28.05.2025
anuradha

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/non-speaking	: Yes/No
Whether reportable	: Yes/No