

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr. MP(M) No. 1759 of 2026**

**Date of Decision: 09.10.2026**

---

Roshan Lal

...Petitioner

Versus

Suresh Kumar

...Respondent

---

*Coram*

***Hon'ble Mr Justice Chirag Bhanu Singh, Judge.***

***Whether approved for reporting?<sup>1</sup>***

For the Petitioner : Mr. Suneel Awasthi, Advocate.

For the Respondent : Mr. Aditya Singh Parmar,  
Advocate.

---

**Chirag Bhanu Singh, Judge (Oral)**

**Cr. MP(M) No. 1759 of 2026**

**Notice.** Mr. Aditya Singh Parmar, Advocate, appears and waives service of notice on behalf of the non-applicant/respondent.

2. No reply is intended to be filed on behalf of the non-applicant/respondent.

3. Learned counsel for the petitioner submits that the respondent has received the entire cheque amount of

---

<sup>1</sup> Whether reporters of Local Papers may be allowed to see the judgment? Yes.

Rs.3,50,000/- (Rs. Three Lakhs Fifty Thousand Only) and that the parties have amicably settled the dispute. He further submits that an application seeking compounding of the offence has already been filed.

4. In view of the payment of the entire cheque amount and the amicable settlement between the parties, the non-applicant/respondent has no objection to the delay being condoned.

5. For the reasons stated in the application and the submissions made by learned counsel for the parties, the delay of 02 years 6 months and 14 days in filing the revision is condoned.

Application is allowed and disposed off.

**Cr. Revision Petition No.\_\_\_\_\_ of 2026**

(Cr. RST/6545/2026)

6. **Be registered.**

7. The petitioner has preferred the present revision assailing the judgment passed by the Additional Sessions Judge-1, Mandi, District Mandi, H.P., in Criminal Appeal No. 98 of 2023, dated 12.01.2024, whereby the judgment of conviction dated 15.03.2023 and order of sentence dated 06.05.2023 passed

by the learned Judicial Magistrate First Class, Karsog, District Mandi, H.P., in Complaint No. 91 of 2017, stands affirmed under Section 138 of the Negotiable Instruments Act (NI Act), whereby the petitioner stands convicted and sentenced to undergo simple imprisonment for two months and to pay compensation of Rs.3,60,000/- (Rs. Three Lakhs Sixty Thousand Only) to the complainant.

8. It transpires that, during the pendency of the present proceedings, the parties have amicably settled the matter. In furtherance of the compromise, the petitioner/accused has paid a sum of Rs. 3,50,000/- (Rupees Three Lakh Fifty Thousand Only) to the respondent/complainant towards full and final settlement of the claim. Both the petitioner/accused and the respondent/complainant are present in person and affirm that they have amicably settled the matter.

9. Learned counsel for the respondent/complainant submits that the entire amount of Rs. 3,50,000/- (Rupees Three Lakh Fifty Thousand Only) has been received in terms of the compromise.

10. Seemingly, the parties have now buried the hatchet.

11. Since the parties have not only settled the matter but the respondent has also received the full and final settlement of the claim, the revision deserves to be allowed and the petitioner is entitled to be acquitted. In this behalf, reliance can be placed on the judgment passed by the Hon'ble Supreme Court in the case titled as *K.M. Ibrahim versus K.P. Mohammed and another*, (2010) 1 SCC 798.

12. It would be apposite to reproduce para-9 of the *K.M. Ibrahim's case*, which reads as under:-

“9. The golden thread in all these decisions is that once a person is allowed to compound a case as provided for under Section 147 of the Negotiable Instruments Act, the conviction under Section 138 of the said Act should also be set aside. In the case of Vinay Devanna Nayak (*supra*), the issue was raised and after taking note of the provisions of Section 320 Cr.P.C., this Court held that since the matter had been compromised between the parties and payments had been made in full and final settlement of the dues of the Bank, the appeal deserved to be allowed and the appellant was entitled to acquittal. Consequently, the order of conviction and sentence recorded by all the courts were set aside and the appellant was acquitted of the charge leveled against him.”

13. It is thus crystal clear that, keeping in view the mandate of the aforesaid judgment and the provisions of Section 147 of the N.I. Act, there is no bar for the parties in compounding the offence under the provisions of Section 138 of the N.I. Act, even at the stage of present proceedings.

14. Thus, keeping in view the aforesaid judgment and the facts and circumstances discussed hereinabove, the parties having indeed buried their differences, and the petitioner/accused having made the full and final settlement of the claim, the parties are allowed to compound the offence, and, as a sequel, the judgments passed by the learned Courts below are quashed and set aside. The accused is acquitted of the charges.

15. Accordingly, the petition is disposed off in the aforesaid terms, pending application(s) so also, if any.

(Chirag Bhanu Singh)  
Judge

09<sup>th</sup> October, 2026  
(Shamsh Tabrez)