

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**Cr. Revision No.582 of 2025
Date of Decision: 17.07.2026**

Mohan Dutt

.....Petitioner

Versus

Ram Swaroop & Ors.

.....Respondents

Coram

**Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?**

For the Petitioner: Mr. Abhishek Thakur, Advocate.

For the Respondents: Mr. Deepak Sharma, Advocate, for respondents
No.1 to 3.

Sandeep Sharma, J. (Oral)

Instant criminal revision petition filed under Section 438 read with 442 of Bharatiya Nagarik Suraksha Sanhita, lays challenge to judgment dated 25.08.2025 passed by the learned Additional Sessions Judge-II, Solan, H.P., in Criminal Appeal No.88-ASJ-II/10 of 2024/23, affirming the judgment of conviction and order of sentence dated 16.06.2023/28.06.2023 passed by the learned Judicial Magistrate First Class, Solan, H.P., in Criminal complaint No.51/3 of 2019, whereby learned Court below, while holding the petitioner-accused (hereinafter '**accused**') guilty of having committed offence punishable under Section 138 of the Negotiable Instruments Act (**for short 'Act'**) convicted and sentenced him to undergo simple imprisonment for a period of six months

and pay compensation to the tune of Rs.2,10,000/- to respondents No.1 to 4-complainants ***(hereinafter ‘complainants’)***.

2. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record are that complainants filed a complaint under Section 138 of the Act in the competent court of law, alleging therein that accused with a view to discharge his lawful liability issued cheque bearing No.939358 dated 25.07.2019 amounting to Rs.2,00,000/-, in favour of the complainant, however, the same was dishonoured with remarks “Insufficient funds”. Since accused failed to make the payment good within the time stipulated in the legal notice, complainants were compelled to initiate proceedings under Section 138 of the Act before the competent Court of law.

3. Learned trial Court on the basis of material adduced on record by the respective parties, vide judgment/order dated 16.06.2023/ 28.06.2023, held the accused guilty of having committed offence punishable under Section 138 of the Act and accordingly, convicted and sentenced him as per the description given hereinabove.

4. Being aggrieved and dissatisfied with the aforesaid judgment of conviction recorded by the learned Court below, accused preferred an appeal in the court of the learned Additional Sessions Judge-II, Solan, H.P., which also came to be dismissed vide judgment dated 25.08.2025, as a consequence of which, judgment of conviction recorded by the learned trial Court came to be upheld. In the aforesaid background, accused has

approached this Court in the instant proceedings, praying therein for his acquittal after setting aside the judgments of conviction recorded by the courts below.

5. Today, during proceedings of the case, learned counsel for the parties apprised this Court that parties have resolved to settle the dispute amicably *inter se* them, whereby accused has agreed to pay entire amount of compensation awarded by the learned Court below.

6. While making reference to the compromise arrived *inter se* parties, Mr. Abhishek Thakur, learned counsel for the accused, states that since parties have already compromised the matter, this Court, while exercising power under Section 147 of the Act, may proceed to compound the offence and acquit the accused from the charge framed against him.

7. Mr. Deepak Sharma, Advocate, while putting in appearance on behalf of complainants No.1 to 3, states that he has instructions to depose on behalf of complainants No.1 to 3. He states that parties have compromised the matter amicably, whereby complainants No.1 to 4 have already been received sum of Rs.1,30,000/- and in case sum of Rs.80,000/- lying deposited with the learned trial Court is ordered to be released in favour of complainants No.1 to 4, complainants No.1 to 3 shall have no objection in compounding the offence. His statement is taken on record.

8. Since parties have resolved to settle the dispute amicably *inter se* them, as has been taken note hereinabove, coupled with the fact that

complainants have no objection in compounding the offence, in the event of their being released the amount lying deposited with the learned trial Court, this Court sees no impediment in accepting the prayer made on behalf of the accused for compounding the offence, while exercising power under Section 147 of the Act as well as in terms of guidelines issued by the Hon'ble Apex Court in ***Damodar S. Prabhu V. Sayed Babalal H. (2010) 5 SCC 663***, wherein it has been categorically held that court, while exercising power under Section 147 of the Act, can proceed to compound the offence even after recording of conviction by the courts below.

9. Consequently, in view of the discussion made hereinabove as well as law taken into consideration, present matter is ordered to be compounded and impugned judgments of conviction and order of sentence dated 25.08.2025 & 16.06.2023/28.06.2023, passed by the learned Courts below are quashed and set-aside and the accused is acquitted of the charge framed against him under Section 138 of the Act. Interim order, if any, is vacated. Bail bonds, if any, discharged. The petition is disposed of along with pending applications, if any.

10. Sum of Rs.80,000/- deposited by the accused with the learned trial Court is ordered to be released in favour of complainants by remitting the same in their saving bank account, detail whereof, shall be furnished within a period of one week.

11. Since complainants were compelled to engage in unwarranted litigation with the accused for realization of their own amount, accused is

directed to deposit Rs.5,000/- with the HP State Legal Services Authority as compounding fee and Rs.5,000/- as litigation charges payable to the complainant within a period of six weeks from today, failing which, he shall render himself liable for penal consequences as well as contempt of court.

(Sandeep Sharma)
Judge

July 17, 2026
(sunil)