

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

**Cr.MPM No.1977 of 2026 in
Cr.R. No. 658 of 2026
Decided on 1st October, 2026**

Doom Ram

...Petitioner

Versus

Sanjay Kumar

.....Respondent

Coram

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

¹Whether approved for reporting?

For the petitioner : Mr. Raj Kumar, Advocate.

For the respondent : Mr. Sunil Thakur, Advocate.

Chirag Bhanu Singh, Judge (Oral)

Cr.MP(M) No.1977 of 2026

No reply is intended to be filed. On the contrary, the learned counsel for the respondent submits that an amount of Rs.3,00,000/- has been received in pursuance to a compromise arrived at between the parties.

2. Keeping in view the fact that the matter has been compromised and the learned counsel for the respondent submits that he has no objection if the delay of one year, two months and six days' is condoned. The delay in filing the revision petition is thus

condoned.

Cr.R. No.658 of 2026

3. Notice. Mr. Sunil Thakur, learned counsel, appears and waives service of notice on behalf of the respondent.

4. Learned counsel for the parties submit that the matter stands resolved amicably between the parties.

5. Petitioner/accused had issued a cheque amounting to Rs.1,60,000/- drawn on Canara Bank, Branch Ner Chowk, District Mandi and the same had bounced resulting in the proceedings before the learned Additional Chief Judicial Magistrate, Court No.1, Mandi, District Mandi, HP (learned trial Court). The learned trial Court after due deliberations held the petitioner-accused guilty and sentenced him to undergo simple imprisonment for a period of four months and to pay a compensation of Rs.3,00,000/-. In default thereof, to further undergo simple imprisonment for four months. The said findings recorded by the learned trial Court dated 18.12.2024 came to be upheld by the learned Sessions Judge, Mandi District Mandi (learned Appellate Court), dated 17.07.2025 and hence the present petition.

6. During the pendency of the proceedings, the

petitioner/accused came to be arrested on 07.09.2026. Thereafter, a compromise was effected between the parties and the petitioner/accused paid the entire compensation amount of Rs. 3,00,000/- to the respondent.

7. The learned counsel for the respondent confirms the compromise and submits that an amount of Rs. 3,00,000/- stands received by the respondent as full and final settlement of the claim. The parties thus have buried the hatchet.

8. It is by now fairly settled that if the parties had settled the dispute and the entire amount is paid, the revision deserves to be allowed and the petitioner is entitled to be acquitted. In this behalf, reliance can be placed on a judgment of the Hon'ble Supreme Court, ***titled as K.M. Ibrahim vs. K.P. Mohammed and Another, 2010 (1) SCC 798.***

9. It would be opposite to reproduce para-9 of the K.M. Ibrahim's judgment, 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 Banks, 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 charges leveled against him.”

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

11. Thus, keeping in view the aforesaid judgment and the fact that the parties have, indeed, resolved to bury their differences, and the petitioner/accused having made the full and final settlement of the claim, based on a one-time settlement offered by the respondent, the parties are allowed to compound the offense and as a sequel, the judgment of the learned trial Court is quashed and set aside and the accused is acquitted of the charges. The judgment of conviction dated 18.12.2024 and order of sentence dated

20.12.2024 passed by the learned trial Court, which has been affirmed by the learned Appellate Court dated 17.07.2025 is quashed and set aside. He is stated to be presently lodged in Sub-Jail Mandi. He is ordered to be released forthwith, if not required in any other case. Release warrants be prepared accordingly.

12. The petition is disposed off in the aforesaid terms, so also the pending miscellaneous applications, if any.

(Chirag Bhanu Singh)
Judge

01.10.2026
(Ritu)