IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 1999 of 2026
Date of Decision: 06.10.2026

Rajeev Kumar ...Applicant/Petitioner

Versus

Ashok Kumar ...Non-applicant/Respondent

Coram
Hon'ble Mr Justice Chirag Bhanu Singh, Judge.
Whether approved for reporting?[1]

For the Applicant/Petitioner : M/s. Kulbhushan Khajuria & P.K. Verma, Advocates.

For the Non-applicant/Respondent: Mr. Vishvinder Singh, Advocate.

Chirag Bhanu Singh, Judge (Oral)

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Notice. Mr. Vishinder Singh, 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.

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[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

3. The present application has been filed seeking condonation of delay in filing the revision, which is about 04 years, 01 month and 29 days. It is the case of the applicant that though the appeal filed by him had been dismissed by the learned First Appellate Court on 25.07.2022, he had not been informed by his counsel regarding the dismissal of his appeal. The applicant came to know of the same only when he was arrested by the police on 08.07.2026. Thereafter, his wife was ready to pay the compensation amount, which has been paid in full to the respondent/complainant and the applicant has also compromised the *lis* with the respondent. On the basis of the said compromise, the applicant prays for condonation of the delay of 04 years, 01 month and 29 days.

4. The learned counsel for the respondent has no objection to the delay being condoned.

5. For the reasons stated in the application and the submissions made by the learned counsel for the parties, the delay of 04 years, 01 month and 29 days in filing the revision is condoned.

6. Application is allowed and disposed of.

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7. **Be registered.**

8. The petitioner has preferred the present revision assailing the judgment passed by the Additional Sessions Judge cum Special Judge (CBI), Shimla District Shimla, H.P. (Camp Court Rohru), in Criminal Appeal No. 102/2021, dated 25.07.2022, whereby the judgment of conviction dated 20.07.2021 and order of sentence dated 22.07.2021 passed by the learned Additional Chief Judicial Magistrate Court No.1, Rohru, District Shimla, H.P., in Criminal Case No. 743/03 of 2019, stands affirmed under Section 138 of the Negotiable Instruments Act (NI Act), whereby the petitioner stands convicted and sentenced to undergo simple imprisonment for one year and to pay compensation of Rs.1,25,000/- (Rs. One Lakh Twenty Five Thousand Only) to the complainant.

9. In pursuance to the aforesaid conviction and sentence, the present petitioner is stated to be lodged in Kanda Jail, Shimla, District Shimla, H.P.

10. It transpires from the record that the petitioner/accused had friendly relations with the respondent/complainant and as such he had borrowed a sum of Rs. 1,00,000/- (Rs. One Lakh Only) from the respondent/complainant with a promise to repay the same within one month. Having failed to do so, he had issued a cheque which unfortunately got dishonoured relating to the aforesaid conviction and sentence.

11. It further transpires from the record that the petitioner/accused came to be arrested on 08.07.2026. After his arrest the wife of the petitioner/accused has compromised the matter by paying the entire compensation amount so ordered by the learned trial Court to the respondent/complainant.

12. Learned counsel for the respondent/complainant affirms that the entire compensation amount of Rs.1,25,000/- (Rs. One Lakh Twenty Five Thousand Only) stands already paid to the respondent.

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

14. Since the parties have not only settled the matter but the respondet/complainant 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.***

15. 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.*"

16. 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.

17. 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. In case the petitioner is not required in any other case, he may be released. Release warrants be prepared accordingly.

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

(Chirag Bhanu Singh)
Judge

06th October, 2026
(Shamsh Tabrez)

SHAMSH TABREZ

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