



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C528/1428/2026</u> Tellu --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Prem Kaushal and Mr. Anil Kumar, learned counsel for the applicant. 2. Mr. Tumul Nainwal, learned AGA and Mrs. Meenakshi Sharma, learned AGA for the State. 3. The instant petition has been preferred by the applicant-Sri Tellu, S/o Sri Banvari alongwith the compounding application for quashing the judgment and order passed by the learned Civil Judge/Judicial Magistrate, Laksar dated 06.06.2023 in Complaint Case No.1088 of 2013 (New No.412 of 2016) Balwan Singh vs. Tellu whereby the applicant herein was convicted under Section 138 of N.I. Act against which the Criminal Appeal No.08 of 2023 was preferred however the appellate court also confirmed the judgment of the trial court on 02.06.2026 by confirming the conviction and sentence. 4. The instant petition has been preferred alongwith the compounding application with this contention that the parties have now settled their disputes and the entire cheque amount has been paid by the applicant to the respondent/complainant. A categorical statement has been given in this regard in para 6 & 9 of the compounding application.



		5. Both the parties are present in the Court and are identified by their counsel. 6. It is argued by learned counsel for the applicant that initially before settlement arrived in between the parties a Criminal Revision No.448 of 2026 was preferred, challenging the order of conviction as well as the order of appellate court, however, the same was dismissed by the Coordinate Bench on 15.06.2026. He submits that after the dismissal of the revision preferred against the conviction both the parties sit together and after intervention of certain family members they settled the dispute and the entire cheque amount has been paid to the respondent. He submits that since after the dismissal of revision by judgment and order dated 15.06.2026 a fresh cause of action arise due to the settlement arrived in between the parties and the fact that the entire cheque amount has been paid, the instant petition has been preferred and the judgment rendered by the Coordinate Bench, dismissing the revision, will not come into the way since the instant petition has been preferred for fresh cause of action. He submits that the offence in which the applicant has been convicted is compoundable in terms of Section 147 of Negotiable Instruments Act, 1881, therefore, the compounding application may be allowed and conviction and sentence may be set aside. 7. Mr. Tumul Nainwal, learned AGA and Mrs. Meenakshi Sharma, learned AGA in order to assist this Court on behalf of respondent no.1 submits that since the
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		offence is compoundable and the parties have come up with the settlement after the judgment passed by the Coordinate Bench dismissing the revision on 15.06.2026, therefore, due to settlement arrived in between the parties, fresh cause of action arise and, as such, the present petition, preferred under Section 528 of BNSS, 2023 is maintainable. 8. In such view of the matter and taking into consideration that the parties have settled their disputes and the cheque amount has been paid by the present applicant to the respondent/complainant, which the respondent/complainant, who is present in the Court, admits, this Court is of the view that compounding application as well as the petition, preferred under Section 528 of BNSS, 2023 deserves to be allowed. 9. Accordingly, the instant C528 application as well as compounding application are allowed and the judgment and order passed by the trial court dated 06.06.2023 passed in Complaint Case No.1088 of 2013 (New No.412 of 2016) as well as the judgment and order passed by learned Additional District & Session Judge, Laksar, District Haridwar dated 02.06.2026 in Criminal Appeal No.08 of 2023 are set aside and conviction and sentence are also set aside. The present applicant is acquit from the charge. 10. No order as to costs. (Rakesh Thapliyal, J.) 07.07.2026 Arti
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