



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/527/2026</u> Rajeev Kukreja --Revisionist Versus Pankaj Kukreja --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Rajat Mittal, learned counsel for the revisionist. 2. Mr. Neeraj Garg, learned counsel for respondent. 3. Present criminal revision has been preferred assailing the judgment and order dated 10.10.2023 passed by the learned 1st Additional Sessions Judge, Rishikesh, District Dehradun in Criminal Appeal No.238 of 2022, whereby the appeal preferred by the revisionist was dismissed and the judgment and order dated 16.09.2022 passed by the learned Additional Civil Judge/Judicial Magistrate, Rishikesh, District Dehradun in Criminal Complaint Case No.392 of 2018 was affirmed. By the said judgment, the revisionist was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹6,00,000/-, with a further direction that in default of payment of fine, he shall undergo simple imprisonment for a period of fifteen days. 4. There is a delay of 914 days in filing the present criminal revision. An application seeking condonation of delay,



			supported by an affidavit, has been filed. 5. Cause shown in the delay condonation application is found to be sufficient. Accordingly, the delay of 914 days in filing the present criminal revision is condoned. The delay condonation application stands allowed. 6. Learned counsel for the revisionist would submit that the revisionist and the respondent are real brothers. It is submitted that an arrangement had been arrived at between the respondent and their late father regarding the business of a shop, pursuant to which an agreement was executed; that, owing to certain disputes relating to the implementation of the said agreement, the revisionist issued certain cheques in favour of the respondent; that, upon presentation, the said cheques were dishonoured by the bank with the endorsement 'exceeds arrangement'; that, thereafter, a statutory demand notice was issued to the revisionist; that, since the cheque amount was not paid within the prescribed period, the respondent instituted a complaint under Section 138 of the Negotiable Instruments Act; that, the learned Trial Court convicted the revisionist and the appeal preferred there against also came to be dismissed. 7. Learned counsel for the revisionist would further submit that during the pendency of the present revision, the parties have amicably resolved all their disputes. In this regard, a Compounding Application being I.A. No.3 of 2026, duly supported by separate affidavits sworn by the revisionist as well as the respondent, has been filed before this Court. It is submitted that the compromise has been entered into voluntarily, without any coercion, undue influence or pressure,
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			and that both parties have prayed that the offence be compounded in terms of Section 147 of the Negotiable Instruments Act, 1881. 8. Learned counsel appearing for the respondent fairly submits that the dispute between the parties has been amicably settled and that the respondent has no objection if the offence under Section 138 of the Negotiable Instruments Act is permitted to be compounded and the judgments of conviction and sentence passed by the courts below are set aside. 9. The revisionist as well as the respondent are present before this Court through Video Conferencing and have been duly identified by their respective learned counsel. Upon being interacted with by the Court, both parties have affirmed that the compromise has been entered into voluntarily, out of their own free will and without any coercion, inducement or undue influence. The respondent has further stated that he has no objection if the offence is compounded and the conviction of the revisionist is set aside. 10. Heard learned counsel for the parties and perused the material available on record. 11. It is well settled that by virtue of Section 147 of the Negotiable Instruments Act, 1881, every offence punishable under the Act is compoundable notwithstanding anything contained in the Code of Criminal Procedure. The Hon'ble Supreme Court in <i>Damodar S. Prabhu v. Sayed Babalal H.</i>, (2010) 5 SCC 663, and <i>M.P. State Legal Services Authority v. Prateek Jain</i>, (2014) 10 SCC 690, has held that offences under Section 138 of the Negotiable Instruments Act can be
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			compounded even at the appellate or revisional stage, subject to appropriate terms. 12. Considering the nature of the offence, the amicable settlement arrived at between the parties, the voluntary statements made before this Court, and the fact that the offence under Section 138 of the Negotiable Instruments Act is compoundable under Section 147 of the Act, this Court is of the opinion that the Compounding Application deserves to be allowed. 13. Accordingly, the Compounding Application (I.A. No.3 of 2026) is allowed. The offence punishable under Section 138 of the Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act, 1881. Consequently, the judgment and order dated 10.10.2023 passed by the learned 1st Additional Sessions Judge, Rishikesh, District Dehradun in Criminal Appeal No.238 of 2022 as well as the judgment and order dated 16.09.2022 passed by the learned Additional Civil Judge/Judicial Magistrate, Rishikesh, District Dehradun in Criminal Complaint Case No.392 of 2018 are hereby set aside. The revisionist is acquitted of the charge under Section 138 of the Negotiable Instruments Act. 14. The criminal revision is, accordingly, allowed. 15. Pending applications, if any, also stand disposed of. MAMTA RANI (Alok Mahra, J.) 14.07.2026
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