

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR no. 1815 of 2011 (O&M)
Date of Decision : 12.03.2015

Gurnam Singh

....Petitioner

Versus

State of Haryana and another

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

- 1)Whether reporters of local newspapers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present : None for the petitioner

Mr. Pawan Girdhar, Addl. AG, Haryana

Mr. Maninder Singh, Advocate for
Mr. Dhiraj Chawla, Advocate for respondent no.2.

MAHESH GROVER, J.

CRM no.28483-84 of 2013

Allowed as prayed for. Main case is preponed to today and taken up on board.

Main case

There is no representation on behalf of the petitioner.

In view of the request made regarding settlement effected between the parties, the revision petition is taken on board today.

The petitioner had questioned his conviction under the provisions of Section 138 of Negotiable Instruments Act and sentence of one year awarded to him. The revision petition stood admitted but during its pendency the parties have resolved their differences.

Learned counsel for respondent no.2 i.e the complainant states

that the entire amount has been repaid to him and the accounts settled appropriately and thus there is no cause of grievance existing against the petitioner as on today.

Hon'ble Supreme Court in case titled as **Anil Kumar Haritwal vs. Alka Gupta**, reported as 2004(4)SCC 366 wherein it has been observed as under:-

“5. In this appeal the parties before us have filed a compromise petition bringing to our notice that dispute between them has since been settled and the amount due to the respondent complainant has been paid, therefore, a prayer is made in the interest of justice, that conviction and sentence imposed on the appellants may kindly be quashed. Learned counsel for the appellants placed reliance on the judgment of this Court in the case of **Texmaco Ltd. vs. State of A.P., (2000)1 SCC 763**, where this Court on similar facts and circumstances of that case, had allowed such prayer and set aside the conviction and sentence.

6. We have perused the records of the said case, which in our opinion are similar to the facts of the present case and we think it proper that prayer of the parties seeking to settle the dispute and praying for setting aside the conviction and sentence should be allowed. In the said view of the matter on following the judgment of this Court in the above case, we allow this appeal setting aside the conviction and sentence imposed on the appellants in the interest of justice in view of the fact that the dispute is settled between the parties and

Section 147 of the Negotiable Instruments Act permits compounding of the offence.”

Having regard to the aforesaid, I am of the considered view that keeping the revision petition alive any further would not be in the interest of justice and noticing the fact that proceedings have arisen out of a transaction leading to issuance of cheques, dishonour of which invite the allegations under Section 138 of Negotiable Instruments Act, I am further of the view that it would be in the interest of justice to permit the parties to compound the offence in terms of Section 320 Cr.P.C. Ordered accordingly. As a consequence thereof, the petitioner is acquitted of all the charges against him.

March 12, 2015
rekha

(MAHESH GROVER)
JUDGE