

**IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH.**

CRR-1220 of 2012 (O&M)

Date of decision: July 24, 2015

Satinder Pal Singh

...Petitioner

Versus

Jaspreet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Mohit Jaggi, Advocate, for the petitioner.
Mr. Ramneek Vasudeva, Advocate for respondent No.1.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.

This is a revision petition against the conviction of the accused-petitioner under Section 138 of the Negotiable Instruments Act (hereinafter referred to be as “the Act”). The petitioner has been sentenced to undergo rigorous imprisonment for one year and to pay a compensation of Rs.5000/- to defray the amount of cheque and other expenses undertaken by the complainant to prosecute him.

A complaint was filed by the complainant-respondent No.1 against the petitioner on the allegations that the petitioner issued a cheque bearing No.160229003 dated 21.4.2008 for Rs.5,50,000/- out of his account in ICICI Bank Ltd., Mohali in favour of respondent No.1. However, the said cheque was dishonoured with the remarks “*Insufficient Funds*”. Trial ensued. The petitioner was convicted by the court of Judicial Magistrate 1st Class, Ropar and conviction was upheld by the appellate court.

On August 08, 2014, on request of counsel for the parties,

the matter was referred to Mediation and Conciliation Centre of this court. As per report dated 22.12.2014 of Mediation and Conciliation Centre, parties have settled their dispute and a settlement/compromise dated 22.12.2014 was signed by petitioner as well as respondent No.1. As per settlement, petitioner agreed to pay Rs.7.00 lacs in lumpsum to respondent No.1 on or before 20.05.2015.

Learned counsel for the petitioner has submitted that the entire amount, as agreed before the Mediation and Conciliation Centre, has been paid to the respondent No.1. This statement has not been controverted by learned counsel for respondent No.1.

In view of the fact that offence under Section 138 of the Act is compoundable under Section 147 of the Act, the statement made by the complainant would amount to withdrawal from prosecution as envisaged by Section 321 Cr.P.C. In such circumstances and in view of the judgment rendered by this court in ***Ritesh Gupta v. State of Punjab and another, 2009 (3) R.C.R. (Criminal) 61***, the plea of the parties is accepted. The conviction and sentence imposed upon the petitioner for offence punishable under Section 138 of the Act is hereby set-aside and the petitioner is acquitted of the offence for which he was convicted and sentenced.

The revision petition is thus allowed in the aforesaid terms.

July 24, 2015
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether to be referred to reporter? Yes / No