

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

Crl.R.No.1474 of 2015

Date of Order: 22.09.2015

Ashok Batra

....Petitioner

Versus

Kishore Kumar

....Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Aman Kashyap, Advocate for the petitioner.

Mr. Arora VK, Advocate for the respondent.

AJAY TEWARI, J (ORAL)

Present revision petition is directed against the judgment dated 07.04.2015 passed by the learned Addl. Sessions Judge, Amritsar whereby the appeal filed by the petitioner-accused against the judgment and order of sentence dated 11.11.2014 passed by the learned Judicial Magistrate, Ist Class, Amritsar convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo RI for one year in a private complaint filed by the respondent-complainant, has been dismissed.

It is stated that the parties have amicably arrived at an settlement in terms of compromise deed (Annexure P-5) whereby the respondent-complainant has no objection if the present revision petition is allowed by compounding of the offence and acquitting the petitioner of the charges. Respondent-complainant has also got his statement recorded separately before this Court whereby he has affirmed the factum of compromise and stated that he has amicably settled all his disputes with the

petitioner as per written compromise deed dated 10.5.2015. An affidavit dated 12.5.2015 (P.6) has also been sworn by the respondent-complainant in this respect.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement as well as orders on record, it is clear that the matter has been compromised and the petitioner has paid the due amount to the complainant-respondent, therefore, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them. In these circumstances, I do not deem appropriate to maintain the conviction of the petitioner.

Consequently, this petition is allowed and the judgments passed by both the learned courts below are set aside qua the petitioner thereby acquitting him of the charges levelled against him.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

September 22, 2015
manoj

(AJAY TEWARI)
JUDGE