

222

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 19.05.2015

1. CRR No.1583 of 2014 (O&M)

HARDEEP SINGH	Petitioner
Vs	
M/S SATYA ENTERPRISES	Respondent

2. CRR No.1584 of 2014 (O&M)

HARDEEP SINGH	Petitioner
Vs	
M/S SATYA ENTERPRISES	Respondent

3. CRR No.1585 of 2014 (O&M)

HARDEEP SINGH	Petitioner
Vs	
M/S SATYA ENTERPRISES	Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.K. Sharma, Advocate
for the petitioner(s).

Mr. Raj Kumar, Advocate
for respondent(s).

1. *Whether Reporters of local papers 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?*

RAJ MOHAN SINGH, J.(Oral)

[1]. Vide this common order CRR Nos.1583, 1584 and 1585 of 2014 are being decided as common issue is involved in all these cases.

[2]. Facts are being taken from CRR No.1583 of 2014. In this

revision petition, impugned order dated 14.05.2014 passed by Additional Sessions Judge, Chandigarh confirming and upholding conviction and order of sentence dated 24.01.2012 passed by Judicial Magistrate, 1st Class, Chandigarh has been assailed.

[3]. During pendency of revision petition(s) in this Court, both the parties have amicably settled their dispute by way of entering into a compromise on 24.03.2015.

[4]. According to terms of and conditions of this compromise, petitioner Hardeep Singh has deposited an amount of Rs.1,20,000/- in the trial Court towards total compensation granted by the said Court in all the three complaints. Out of the amount so deposited, complainant M/s Satya Enterprises through its proprietor shall withdraw an amount of Rs.1,00,000/- under the orders of the Court. The balance amount would be paid to petitioner (i.e. Hardeep Singh).

[5]. In this manner the parties have settled the controversy by way of apportioning the amount of compensation between them to the extent of Rs.1,20,000/-.

[6]. In view of aforesaid, indulgence of this Court is required to be given as the offence of dishonour of cheque is having compensatory aspect and it should be given precedence over punitive aspect. It is almost a civil wrong clothed in criminal overtones and, therefore, priority should be given to compensatory phenomenon. Reliance can be placed on **2011(2) RCR (CrI.) 390,**

Kaushalya Devi v. Roop Kishore.

[7]. The compromise in question would definitely go a long way to harmonise the mutual relations between the parties and serve as ever lasting tool in their favour. This Court feels that revisional jurisdiction in terms of Section 401 Cr.P.C., would result to bring ends of justice in favour of both the parties and the same would be fully in consonance with Section 147 of Negotiable Instrument Act and the diction laid down in **Damodar S. Prabhu v. Sayed Babalal H., AIR 2010 SC 1907.**

[8]. In view of attending circumstances of these cases, impugned order(s) dated 14.05.2014 passed by Additional Sessions Judge, Chandigarh and order dated 24.01.2012 passed by Judicial Magistrate Ist Class, Chandigarh, convicting and sentencing the petitioner(s) are set aside.

[9]. Revision petitions are allowed in the aforesaid manner.

May 19, 2015.
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(RAJ MOHAN SINGH)
JUDGE