IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: November 30, 2015

1. **CRR-1688-2015 (O&M)**

Rahul Enterprises and another

…Petitioners

Versus

Singh Hardware Sanitary and Electrical Store and others

…Respondents

2. **CRR-1691-2015 (O&M)**

Rahul Enterprises and another

…Petitioners

Versus

Singh Hardware Sanitary and Electrical Store and others

…Respondents

3. **CRR-1692-2015 (O&M)**

Rahul Enterprises and another

…Petitioners

Versus

Singh Hardware Sanitary and Electrical Store and others

…Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Dinesh Arora, Advocate,
for the petitioners.

Mr. Vivek Sharma, Advocate,
for respondent Nos. 1 and 2.

Mr. Gautam Kaile, Advocate,
for Mr. Rajiv Sharma, APP, U.T. Chandigarh,
for respondent No. 3.

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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?*

NARESH KUMAR SANGHI, J (Oral)

Since all the three above captioned criminal revision petitions have arisen between the same parties, challenging the judgment of conviction and sentence passed by learned Judicial Magistrate First Class, Chandigarh, vide orders dated 12.7.2013, and the judgments of appeal, dated 23.4.2015, passed by learned Additional Sessions Judge, Chandigarh, therefore, the same are being decided together by the present common order.

The private parties to the *lis* had business dealings with each other. As a sequel thereto, as many as six cheques of various amounts were handed over to respondent No. 2, Surinder Singh, by petitioner No. 2, Rahul Manocha. On presentation in the bank, the said cheques could not be encashed, then respondent No. 1 through respondent No. 2 filed three separate complaints under Section 138 of the Negotiable Instruments Act, 1881 (for brevity, 'the Act'), for prosecution of the petitioners. Learned Trial Court accepted all the three complaints and

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returned the finding of guilt against the petitioners and passed separate orders of sentence, dated 12.7.2013. The appeals filed by the petitioners were dismissed by learned Additional Sessions Judge, Chandigarh, vide separate judgments dated 23.4.2015.

Dis-satisfied with the dismissal of appeals, three criminal revision petitions, bearing Nos. 1688, 1691 and 1692, all of 2015 have been filed before this Court.

During pendency of the above criminal revision petitions, due to intervention of respective Advocates representing both the private parties, better sense has prevailed and both the factions have resolved their dispute and effected a compromise.

Statement of respondent No. 2, Surinder Singh, who is Proprietor of M/s Singh Hardware Sanitary and Electrical Store (respondent No. 1) has been recorded on oath separately, today by this Court. He deposed that he had accepted the proposal to receive a total sum of ₹7,00,000/- (rupees seven lacs only) as full and final settlement of the bounced cheques as well as the decree passed by learned Civil Court vide order dated 2.9.2014.

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He further deposed that a sum of ₹1,50,000/- (Rupees one lac and fifty thousand only) was received by him in cash some time back and another sum of ₹1,50,000/- (Rupees one lac and fifty thousand only) in cash has been received by him from Amit, brother of petitioner No. 2, Rahul Manocha, today in the Court. The balance amount of ₹4,00,000/- (rupees four lacs only) would be received by him in equal installments in next four months by way of bank drafts from the petitioners.

Learned counsel representing the petitioners has also admitted the statement suffered by respondent No. 2 before this Court. He also stated at the bar, after taking instructions from the petitioners, that in case the petitioners would fail to pay the remaining settled amount within the stipulated period, then the respondents would have right not only to recover the balance amount by way of execution petitions which are pending before learned Civil Court, but would also be at liberty to move appropriate applications for revival of present criminal revision petitions.

Learned counsel for respondent Nos. 1 and 2 as well as counsel representing respondent No. 3-UT Chandigarh, have

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no objection if present criminal revision petitions are accepted and the judgment of conviction and the order of sentence passed by learned Trial Court, and affirmed by learned Appellate Court, are set aside and the petitioners are acquitted of the charges levelled against them.

As per provisions contained in Section 147 of the Act, the offence punishable under Section 138 of the Act is compoundable. Since the private parties have amicably resolved the dispute not only with regard to the present criminal revision petitions, but also concerning the Civil Suit filed by respondent Nos. 1 and 2, which was decreed on 2.9.2014, therefore, this Court permits the private parties to compound the offence, which is subject matter of present criminal revision petitions.

As a result of above discussion, the present criminal revision petitions are disposed of. The judgment of conviction and sentence passed by learned Judicial Magistrate First Class, Chandigarh, vide orders dated 12.7.2013, and the judgments of appeal, dated 23.4.2015, passed by learned Additional Sessions Judge, Chandigarh, are set aside. Petitioner Nos. 1 and 2 are

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acquitted of the charge levelled against them.

Petitioner No. 2, Rahul Manocha, son of Late Shri C.L. Manocha, resident of House No. 3096, Sector 19-D, Chandigarh, be set at liberty forthwith, if not required in any other case.

A copy of this judgment alongwith copies of the statements recorded today by this Court, be placed on the files of connected CRR Nos. 1691 and 1692 of 2015.

(NARESH KUMAR SANGHI)
JUDGE

November 30, 2015
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