

CRR No. 3923 of 2014(O&M) 1

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CRR No. 3923 of 2014(O&M)
Date of decision : 14.05.2015**

Bawa Ram

..... Petitioner

Versus

Ripudaman and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Harish Bharadwaj, Advocate
for the petitioner/accused.

Mr.Rajbir Singh, Advocate
for respondent no.1/complainant.

Mr. Anmol Malik, AAG, Haryana.

DARSHAN SINGH,J(Oral)

Main petition.

Learned counsel for the petitioner states that the petitioner has been convicted for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 (hereinafter called the Act) which is a compoundable offence as per Section 147 of the Act. The parties have arrived at settlement in the mediation proceedings. So, the present

revision petition is hereby admitted.

CRM-16173 of 2015

This application has been filed by respondent no.1/complainant for seeking permission to compound the offence. The application is also supported by an affidavit of the complainant-Ripudaman. As the offence for which the petitioner was convicted was compoundable and there was possibility of amicable settlement. So, the matter was referred to the Mediation and Conciliation Centre of this Court vide order dated 24.03.2015. The mediation proceedings were held by Ms. Sushma Singh Mediator which proved successful and the dispute between the parties was amicably settled vide settlement agreement dated 01.04.2015, which is signed by both the parties and their counsel. Respondent no.1/complainant has agreed to in the settlement agreement that he shall have no objection if the present revision petition is allowed by this Court. In consequence of the said settlement before the Mediation, the present application has been filed for compounding of the offence.

The revisionist was convicted by the learned trial Court for the offence punishable under Section 138 of the Act vide judgment dated 01.12.2013. The appeal against conviction filed by the petitioner was also dismissed by the

learned Additional Sessions Judge, Panchkula vide judgment dated 26.11.2014. Hence this revision.

Section 320 (6) of Code of Criminal Procedure provides that a High Court or Sessions Court acting in the exercise of its power of revision under Section 401 Cr.P.C may allow any person to compound any offence which such person is competent to compound under this section. In view of the aforesaid provisions, the compounding of the offence can be allowed even at this stage i.e. during the pendency of the revision before this Court.

As already mentioned, the offence punishable under Section 138 of the Act for which the petitioner has been convicted is compoundable offence. The matter has been amicably settled between the parties in the mediation proceedings at the intervention of the mediator. Respondent has filed the present application for seeking permission to compound the offence. The claim of the complainant has been satisfied. The cheque amount has already been deposited with the trial Court, which shall be paid to the complainant as per rules and as per the settlement between the parties. This compromise is going to put an end to the litigation between the parties.

Thus, the present application is hereby accepted and the permission is granted to respondent

no.1/complainant to compound the offence.

In view of the application moved by the complainant, his affidavit and settlement agreement dated 01.04.2015, the offence punishable under Section 138 of the Act for which the petitioner was convicted stands compounded.

Thus, as a result of the composition of the offence, the present revision petition is hereby allowed. The conviction of the appellant and the sentence awarded to him by the Courts below is hereby set aside. The petitioner stands acquitted. The cheque amount deposited by the petitioner with the trial Court be disbursed to the complainant/respondent no.1 as per rules.

14.05.2015

s.khan

**(DARSHAN SINGH)
JUDGE**