

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

221

CRR-4073-2014 (O&M)

Date of Decision: 31.7.2015

RAJ KUMAR RANA

.....petitioner

Vs.

DARSHAN SINGH

.....respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.V.P.Singh, Advocate
for the petitioner.

Mr. Amrindra Pratap Singh, Advocate
for respondent.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has filed this revision petition seeking quashing of impugned order dated 29.10.2014 passed by Additional Sessions Judge, Patiala confirming and upholding judgment of conviction and order of sentence dated 6.11.2013 passed by Judicial Magistrate, 1st Class, Samana.

During pendency of revision petition in this Court, both the parties have amicably settled their dispute by way of entering into a compromise on 18.12.2014. In pursuance to said compromise, an amount of ₹ 3,00,000/- has been paid to complainant Darshan Singh.

Offence under Section 138 of Negotiable Instruments Act is having compensatory mechanism though it has been couched in criminal overtone. The offence can be compounded

under Section 147 of N.I. Act even at revisional stage.

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 **Kaushalya Devi v. Roop Kishore, 2011(2) RCR (Crl.) 390.**

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.**

In view of attending circumstances of this case, present revision petition is allowed. Impugned order dated 29.11.2014 passed by Additional Sessions Judge, Patiala and judgment/order dated 6.11.2013 passed by Judicial Magistrate Ist Class, Samana, convicting and sentencing the petitioner are set aside.

**(RAJ MOHAN SINGH)
JUDGE**

July 31, 2015

anita