

CRR-4071-2015 (O&M)

[1]

In the High Court of Punjab and Haryana at Chandigarh

CRR-4071-2015 (O&M)

Date of decision: 21.10.2015.

Mool Chand Gupta

.....Petitioner

Versus

Rajeshwar Goyal and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Kul Bhushan Sharma, Advocate
for the petitioner

Respondent No.1 in person with
Mr. Amit Gupta, Advocate.

Ms. Gaganpreet Kaur, AAG, Haryana.

SABINA, J.

Petitioner had faced trial in a complaint case under Section 138 of the Negotiable Instruments Act, 1881. Trial Court vide judgment/order dated 24.07.2014/28.07.2014 ordered the conviction and sentence of the petitioner under Section 138 of the Act. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 13.10.2015. Hence, the present petition by the petitioner.

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[2]

Learned counsel for the petitioner has submitted that the parties have amicably settled their dispute. Petitioner has paid ₹25,00,000/- to the respondent No.1 towards full and final settlement of his claim. Learned counsel has further submitted that in terms of the decision of the Hon'ble Apex Court in the case of '**Damodar S. Prabhu versus Sayad Babalal H. 2010(2) RCR (Criminal) 851**'. Petitioner has deposited ₹2,77,500/- with Legal Services Committee of this Court. Learned counsel for the petitioner has placed on record photocopy of the receipt (original seen and returned). Learned counsel for the petitioner has further submitted that since parties have amicably settled their dispute, the offence be permitted to be compounded and the petitioner be ordered to be acquitted.

Learned counsel for respondent No.1 has not opposed the submissions made by learned counsel for the petitioner.

Respondent No.1 is present in person and has admitted the factum of compromise between the parties and has submitted that he has no objection if the conviction and sentence of the petitioner as ordered by the Courts below is set aside. Respondent No.1 has also tendered his affidavit on record in this regard.

Accordingly, this petition is allowed.

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[3]

Judgment/orders passed by the Courts below are set aside.
Petitioner is ordered to be acquitted as the offence in question
has been compounded. Petitioner, who is in custody, be set at
liberty forthwith, if not required in any other case.

October 21, 2015
kapil

(SABINA)
JUDGE