

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-4805-2015 (O&M)
Date of Decision: December 17, 2015

Anil Kumar

...Petitioner

Versus

Bhupinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Mukul Goyal, Advocate,
for the petitioner.

Mr. Robin Singh Hooda, Advocate,
for the respondent.

NARESH KUMAR SANGHI, J.

1. Challenge in this criminal revision petition is to the judgment, dated 16.11.2015, passed by learned Additional Sessions Judge, Karnal, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for brevity 'the N.I. Act') recorded by learned Judicial Magistrate First Class, Karnal, was dismissed.

2. During the pendency of the present criminal revision petition, both the parties have sorted out their disputes and effected a compromise. Today, Bhupinder Singh, respondent, appeared before this Court and got recorded his statement on oath admitting the factum of compromise. He also deposed that he had no objection if the petitioner was acquitted of the charge under Section 138 of the N.I. Act.

3. Learned counsel for the respondent has also admitted the factum of compromise and has no objection if the impugned judgments passed by both the Courts below are set aside and the petitioner is acquitted of the charge levelled against him.

4. Since Section 138 of the N.I. Act is compoundable by virtue of Section 147 of the N.I. Act and as such the parties may be permitted to compound the offence not only during trial but at the stage of appeal and revision as well. After recording the statement of the respondent-complainant, this Court is satisfied that the compromise so effected between the parties to the *lis* is genuine and as such this Court permits them to compound the offence.

5. Keeping in view the totality of the facts and circumstances of the case, particularly the fact that the amount due was returned by the petitioner to the respondent-complainant and effected a compromise, therefore, the judgments passed by both the Courts below are set aside and the petitioner is acquitted of the charge under Section 138 of the N.I. Act. The fine if deposited by the petitioner shall be returned to him as per norms. Since, the petitioner is in custody, therefore, he be released at once, if not required in any other case.

Disposed of accordingly.

(NARESH KUMAR SANGHI)
JUDGE

December 17, 2015
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