

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-133-2016 (O&M)

Date of Decision: February 10, 2016

Puneet Electronics and Gift Centre and another

...Petitioners

Versus

M/s Mridu Sales Corporation and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

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

Mr. Rimple Saini, Advocate,
for respondent No. 1.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 2.

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)

Challenge in this criminal revision petition is to the judgment, dated 6.1.2016, passed by learned Additional Sessions Judge, Jalandhar, whereby the appeal filed by the petitioners challenging the 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, Jalandhar, was dismissed.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Learned counsel for respondent No. 1 states at the bar that he has instructions to plead that respondent No. 1 has resolved the dispute with the petitioners and effected a compromise (Annexure P-1). He further submits that all the terms and conditions of the compromise (Annexure P-1) have been materialized, therefore, respondent No. 1 has no objection if by setting aside the judgments of both the Courts below the petitioners are acquitted of the charge levelled against them.

All the three counsel representing their respective parties are in unison that by virtue of Section 147 of the N.I. Act, the offence punishable under Section 138 of the N.I. Act, is compoundable and while exercising revisional jurisdiction, this Court can permit the parties to compound the offence and the net result thereof would be to acquit the petitioners.

After hearing learned counsel for the parties, this Court finds that vide Annexure P-1, the private parties have resolved their dispute and effected a compromise, therefore,

taking into consideration the provisions enshrined under Section 147 of the N.I. Act, this Court permits the private parties to the *lis* to resolve their dispute and effect a compromise. It is conceded position that once the Court permits the private parties to resolve their dispute then the result would be to acquit the convict.

In view of totality of the facts and circumstances of the case, the present criminal revision petition is allowed. The judgments passed by both the Courts below holding the petitioners guilty under Section 138 of the N.I. Act and passing the order of sentence, are set aside. The accused/petitioners are acquitted of the charge levelled against them. The fine imposed, if deposited, be returned as per norms.

Since petitioner No. 2, S. Mahajan, Proprietor of Puneet Electronics and Gift Centre, VPO Bhangala, Tehsil Mukerian, District Hoshiarpur, is stated to be in custody, therefore, he be set at liberty at once if not required in any other case.

(NARESH KUMAR SANGHI)
JUDGE

February 10, 2016
Pkapoor