

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-141-2016 (O&M)

Date of Decision: February 19, 2016

Vijay Nath Kapoor

...Petitioner

Versus

Vivek Kapoor and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Vinay Pandey, Advocate, for
Mr. Abhinav Gupta, Advocate,
for the petitioner.

Mr. Sandeep Arora, Advocate,
for respondent No. 1.

Mr. Mikhail Kad, AAG, Punjab
for respondent No. 2.

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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 the present criminal revision petition is to the judgment dated 04.01.2016, passed by learned Additional Sessions Judge, Jalandhar, whereby the appeal filed by the petitioner, challenging his conviction and sentence for the offence punishable under Section 138 of Negotiable Instruments

Act, 1881 (for brevity NI Act), recorded by learned Judicial Magistrate, First Class, Jalandhar, was dismissed.

On 18.01.2016, learned counsel for the parties submitted that due to intervention of respectable and elderly people of the society, the parties have resolved their dispute and effected a compromise.

Compromise deed (Annexure P-1) has been placed on record.

Today, respondent No. 1, Vivek Kapoor, appeared with his learned counsel before this Court and his separate statement on oath, admitting the factum of compromise, was recorded. He deposed that in view of the compromise, if the judgments passed by both the learned Courts below were set aside and the petitioner was acquitted, then he would have no objection.

Mr. Sandeep Arora, Advocate, representing respondent No. 1, also admitted the factum of compromise.

Learned counsel for the parties are in unison that by virtue of Section 147 of NI Act, the offence punishable under Section 138 of NI Act, is compoundable and while exercising the revisional jurisdiction, this Court can permit the parties to compound the offence.

In view of the statement suffered by respondent No. 1, this Court permits the private parties to effect a compromise.

It is settled law that once on the basis of compromise the matter is resolved, then the net result would be an acquittal of the accused. Resultantly, the judgments passed by both the Courts are set aside and petitioner is acquitted of the charge levelled against him. The fine, if deposited by the petitioner shall be returned to him as per norms.

Disposed of accordingly.

(NARESH KUMAR SANGHI)
JUDGE

February 19, 2016
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