

CRR No.1929 of 2016 (O&M)
Date of decision: December 15, 2016

Ajay Kumar **..Petitioner**

Versus

M/s. Swati Storewell Pvt. Ltd. ..Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Arvind Kumar Yadav, Advocate
for the petitioner.

Mr. Pradeep Panwar, Advocate
for respondent No.1.

JASPAL SINGH, J.(ORAL)

Challenge in this revision petition is to the order dated 22nd January, 2016 passed by Additional Sessions Judge, Rewari, whereby, an appeal preferred by the petitioner challenging his conviction and order of sentence dated 1st November, 2011 and 4th November, 2011 respectively, whereby, the petitioner is convicted under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay compensation to the tune of Rs.3,20,000/- and in default of payment of compensation to further undergo simple imprisonment for a period of three months was affirmed/upheld. However, after the dismissal of the appeal preferred by the petitioner, the parties arrived at an amicable settlement and the compromise was put into black and white on 9th June, 2016 signed by the parties, attested by the witnesses as well as by the notary public. It was only in pursuance of the aforesaid compromise, an application under Section 320(5) read with Section 482 Cr.P.C. seeking permission to compound the offences was filed. The offence complained of against the

petitioner under which he has been convicted and sentenced is undoubtedly compoundable and the necessary permission is granted. As far as the genuineness or authenticity of the compromise is concerned, Mr. Pradeep Panwar, Advocate who is representing respondent No.1-complainant is present in Court and he has admitted in categorical compromise that the claim of respondent No.1-complainant already stood satisfied and further that he has no objection in case the instant petition is allowed and the petitioner is acquitted of the charges levelled against him or his conviction and sentence is *set aside*.

In view of the aforesaid facts and circumstances of the case, petition is allowed, especially, keeping in view the compromise arrived at between the parties whereby the conviction and sentence awarded by the learned Magistrate and affirmed by the appellate Court are *set aside*. Consequently, petitioner stands acquitted of the charges.

December 15, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No