

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3130-2015(O&M)
Date of Decision: February 10, 2016

Maninder Pal Singh

...Petitioner

Versus

Kuldeep Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

**Present: Mr.Vivek Suri, Advocate,
for the petitioner.**

**Mr.Arun Abrol, Advocate,
for respondent No.1.**

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

NARESH KUMAR SANGHI, J.

Challenge in this criminal revision petition is to the judgment dated 10.08.2015 passed by learned Additional Sessions Judge, Patiala, 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, Patiala, was dismissed.

At the very outset, learned counsel for the private parties submit that during pendency of the present petition, the

better sense has prevailed and the family members of the petitioner have resolved the dispute and effected a compromise.

In view of the above, separate statement on oath of respondent No.1 was recorded. He admitted the factum of compromise and receipt of Rupees one lac and fifty thousand by way of two separate drafts. He further admitted that he had no objection if the judgments passed by both the Courts below were set aside and the petitioner was acquitted of the charge levelled against him on the basis of compromise.

Learned counsel representing the respondent No.1 has also admitted the factum of compromise and has no objection if the petitioner is acquitted of the charge levelled against him on the basis of compromise.

The learned counsel for the 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. They are further admitting the fact that while exercising the revisional jurisdiction this Court can permit the parties to compound the offence.

In view of the submissions made by learned counsel for the parties and taking into consideration the provision enshrined under Section 147 of N.I. Act, this Court permits the private parties to compound the offence.

It is settled law that once the compoundable offence is permitted to be compounded, then the net result would be

acquittal of the accused.

Since the private parties have resolved their dispute and effected a compromise, therefore, the judgments of both the Courts below are set aside and the petitioner-Maninder Pal Singh son of Jaswant Singh, resident of House No.63-64, New Officer Colony, Patiala, is acquitted of the charge levelled against him.

The present criminal revision petition is allowed accordingly.

(NARESH KUMAR SANGHI)
JUDGE

February 10, 2016
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