

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 235

Criminal Revision No.2010 of 2016 (O & M)
Date of Decision: July 26, 2016

Richhpal Kumar

..... PETITIONER

VERSUS

State of Punjab & another

..... RESPONDENTS

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Sunil Doda, Advocate, for the petitioner.

Mr. R.P.S. Sidhu, Assistant Advocate General,
Punjab, for respondent No.1 – State.

Mr. Munish Kumar Garg, Advocate, for respondent
No.2.

. . .

Jaspal Singh, J

1. The instant revision petition has been preferred by Richhpal Kumar against judgment dated April 22, 2016 passed by the Additional Sessions Judge, Fazilka, whereby judgment of conviction and order of sentence dated October 15, 2014 passed by the Sub Divisional Judicial Magistrate, Abohar, in complaint titled “Prithvi Raj vs. Richhpal Kumar” under Section 138 of the Negotiable Instruments Act, 1881, has been upheld. The petitioner was convicted and sentenced by the trial court to undergo rigorous imprisonment for a

period of two years alongwith fine of ₹ 10,000/- and in default of payment of fine, to further undergo RI for six months.

2. Alongwith this revision petition, an application viz. Criminal Miscellaneous No.17690 of 2016 has been moved for compounding of offence and setting aside the impugned judgment(s)/order on the ground that parties have effected a compromise (Annexure P-1). The application has been supported by affidavit (Annexure P-2) of respondent No.2 – complainant, wherein he has stated that no amount is due towards the petitioner and he has no objection if the petitioner is acquitted of the charges by way of acceptance of the instant petition.

3. Learned counsel for respondent No.2 – complainant has also reiterated that complainant has received the entire amount as per the compromise arrived at between the parties, with the intervention of respectable and relatives. Further, he has no objection if the impugned judgment(s)/order of conviction and sentence are set aside and accused is acquitted.

4. Keeping in view the aforesaid aspects of the matter and the fact that matter has been amicably settled between the parties, this court is of the considered view that continuation of proceedings between the parties would be an abuse of process of law and present compromise is for their benefit and will bring peace & harmony between them.

5. Consequently, instant petition as well as aforesaid application for compounding of offence are allowed. Impugned

judgment(s)/order passed by the courts below are set aside and accused – petitioner is acquitted of the charge framed against him. Thus, petitioner is directed to be released forthwith.

Crl. Misc. No.17691 of 2016

Since, the main revision petition has been allowed, the instant application is disposed of as having been rendered infructuous.

July 26, 2016
avin

(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No