

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-3502-2015 (O & M)
Date of decision:03.03.2016

M/s Quick N Quality Interior and anr.

...Petitioner(s)

Versus

M/s Satyam Steel and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Randhawa, Advocate,
for the petitioner(s).

Mr. Aditya Jain, Advocate,
for respondent No.1.

Mr. Arun Luthra, AAG, Haryana.

Rajan Gupta, J. (oral)

This is a revision petition against the conviction of the accused-petitioner under Section 138 of the Negotiable Instruments Act (hereinafter referred to be as “the Act”). The petitioner has been sentenced to undergo rigorous imprisonment for one year alongwith compensation amount of ₹2,00,000/- to be paid to the complainant within one month from the passing of the order.

A complaint was filed by the complainant-respondent No.1 against the petitioners on the allegations that the petitioners issued Cheques bearing Nos.580431, 580432 and 580407 dated 30.11.2006, 10.12.2006 and 18.06.2006 for amount of ₹28,000/-, ₹28,160/- and ₹1,00,000/- respectively, drawn on HDFC Bank, S-65, Greater Kailash Part-I, New Delhi, in favour of respondent No.1. However, the said cheques were dishonoured vide memos dated 02.12.2006, 13.12.2006. A trial ensued. The petitioners were convicted by the court of Judicial Magistrate 1st Class, Faridabad,

and conviction was upheld by the appellate court.

Vide order dated November 06, 2015, this case was referred to Mediation and Conciliation Centre of this court. The matter was settled before Mediation and Conciliation Centre and settlement was reduced into writing. In terms of Para 6 Clause (b) thereof, learned counsel for the petitioner has handed over a demand draft of ₹1,80,000/- to learned counsel for the complainant/respondent No.1 as full and final payment. A photocopy thereof is taken on record as Mark 'A'.

In view of the above, learned counsel for respondent No.1/complainant submits he has no objection if the present petition is disposed of in favour of the petitioner.

In view of the fact that offence under Section 138 of the Act is compoundable under Section 147 of the Act, the statement made by the complainant would amount to withdrawal from prosecution as envisaged by Section 321 Cr.P.C. In view of the judgment rendered by this court in ***Ritesh Gupta v. State of Punjab and another, 2009 (3) R.C.R. (Criminal) 61***, the plea of the parties is accepted. The conviction and sentence imposed upon the petitioner for offence punishable under Section 138 of the Act is hereby set-aside and the petitioner is acquitted of the offence for which he was convicted and sentenced.

The revision petition is thus allowed in the aforesaid terms.

(RAJAN GUPTA)
JUDGE

03.03.2016

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SUKHPREET KAUR
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I attest to the accuracy and
integrity of this document