

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 226

Criminal Revision No.3703 of 2015 (O & M)

Date of Decision: July 21, 2016

Pawan Kumar

..... PETITIONER

VERSUS

State of Punjab & another

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Sunny K. Singla, Advocate, for the petitioner.

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

Mr. Vishnav Gandhi, Advocate, for Mr. Sandeep,
Advocate, for respondent No.2.

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Jaspal Singh, J

1. The instant revision petition has been preferred by Pawan Kumar against judgment dated September 24, 2015 passed by the Additional Sessions Judge, Patiala, whereby judgment of conviction and order of sentence dated October 08, 2013 passed by the Judicial Magistrate 1st Class, Patiala, in complaint titled “Rajesh Sharma vs. Pawan 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 six months and compensation half the cheque amount, under Section 138 of the aforesaid Act.

2. During pendency of the revision petition, an application viz. Criminal Miscellaneous No.35891 of 2015 has been moved claiming that parties have effected a compromise. It is evident from order dated November 2, 2015 that parties have amicably settled their dispute and petitioner has paid a cheque amount of ₹ 1 lac to respondent No.2 – complainant. Only thereafter his sentence was suspended.

3. Learned counsel for respondent No.2 – complainant submits that complainant has received the entire amount as per the compromise arrived at between the parties, with the intervention of respectables 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 stands allowed. Impugned judgment(s)/order passed by the courts below are set aside and accused – petitioner is acquitted of the charge framed against him.

July 21, 2016
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No