

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-3741-2014

Date of Decision: January 18, 2016

Nirmal Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. Whether Reporters of local papers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Present: Mr.K.B.S.Mann, Advocate
for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

Mr.Sukhdev Singh, Advocate
for respondent no.2/ complainant.

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NARESH KUMAR SANGHI, J.(ORAL)

Challenge in this criminal revision petition is to the judgment dated 29.10.2014 passed by learned Additional Sessions Judge, Sri Muktsar Sahib, 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 (hereinafter to be referred as the 'N.I.Act') was dismissed.

At the very outset the learned counsel for the parties submit that during pendency of the present revision petition the better sense had prevailed and the private parties to the *lis* resolved their dispute and effected a compromise before Mediation and Conciliation Centre of Sri Muktsar Sahib. The report to that effect has also been received. They further submit that the offence punishable under Section 138 of the N.I.Act is compoundable as per the provisions contained in Section 147 of the N.I.Act and, as such, this Court while exercising the revisional jurisdiction can permit the parties to compound the offence and thereafter to acquit the accused.

The report received from learned Mediator of Mediation and Conciliation Centre, Sri Muktsar Sahib would clearly spell out that the private parties to the *lis* have resolved their dispute and effected a compromise and the terms and conditions thereof were scribed on a paper.

In view of the said settlement, the due amount has been returned to the respondent-complainant. Learned counsel for the respondent-complainant also admits the execution of the

compromise and he has no objection if the judgments passed by both the Courts below are set aside and the petitioner is acquitted of the charge levelled against him.

Learned counsel for the State has also no objection to the statement suffered by learned counsel for the respondent-complainant.

In view of the totality of the facts and circumstances of the case, judgment dated 29.10.2014 passed by learned Additional Sessions Judge, Sri Muktsar Sahib, dismissing the appeal and judgment of conviction and sentence passed by learned trial Court are set aside and the petitioner is acquitted of the charge levelled against him.

January 18, 2016
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(NARESH KUMAR SANGHI)
JUDGE