

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

CRR No.3318 of 2016 (O&M)

Date of decision: September 15, 2016

M/s Fusion Retail

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Mani Ram Verma, Advocate
for the petitioner.

Mr. Vikramjit Singh, Addl. A.G., Haryana,
for the respondent(s)-State.

Mr. P.L.Sharma, Advocate
for respondent No.2.

Mr. Pankaj Chaudhary in person.

INDERJIT SINGH, J. (Oral)

File taken up after lunch break.

The present revision has been filed by the petitioner M/s Fusion Retail Officer through its proprietor Nitin Sharma against the respondents- State of Haryana and another, challenging the impugned judgment of conviction dated 27.11.2014 and order of sentence dated 01.12.2014 passed by learned Judicial Magistrate Ist Class, Faridabad, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay compensation amounting to Rs.95,000/- and in default of payment of compensation to further undergo simple imprisonment for a period of three months under Section 138 of Negotiable Instruments Act and also challenging the judgment dated 03.09.2016

passed by learned Addl. Sessions Judge, Faridabad, vide which appeal filed by petitioner was dismissed.

Notice of motion was issued in this case.

Mr. P.L.Sharma, Advocate has appeared on behalf of respondent No.2/complainant and Mr. Vikramjit Singh, Addl. Advocate General, Haryana has put in appearance on behalf of the respondent-State.

I have heard learned counsel for the parties and have gone through the record.

Learned counsel for the petitioner states that matter has already been compromised between the parties. He further submits that 15% of the cheque amount has already been deposited with the High Court Legal Services Committee of this Court. He also produced on record consolidated receipt of the same.

On the other hand, learned counsel for respondent No.2 as well as Pankaj Chaudhary-partner of respondent No.2, state that the matter has been settled fully and finally and they have no objection if the offence in this petition is compounded.

Heard.

In view of the compromise effected between the parties and in view of the fact that offence punishable under Section 138 of Negotiable Instruments Act, is compoundable, therefore, the judgment of conviction dated 27.11.2014 and order of sentence dated 01.12.2014 passed by learned JMIC, Faridabad and judgment dated 03.09.2016 passed by learned First Appellate Court, Faridabad are set aside in view of the lawful composition of the offence.

The petition is allowed accordingly.

Petitioner/accused Nitin Sharma is acquitted and he be set at liberty forthwith, if his custody is not required in connection with any other case.

September 15, 2016
rajesh.k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No