

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3457-2016 (O&M)

Date of decision: September 29, 2016.

Lokesh Jain

... **Petitioner**

v.

State of Punjab and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Vibhor Bansal, Advocate for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Punjab.

Shri HPS Bhinder, Advocate for respondent No.2.

A.B. Chaudhari, J. (Oral):

In the present revision petition, petitioner Lokesh Jain has put to challenge judgment and order dated 23.10.2013 passed by the Magistrate convicting him for the offence under Section 138 of the Negotiable Instruments Act and confirmed in appeal by lower appellate court by judgment and order dated 19.9.2016.

Against the conviction, the petitioner has preferred the present revision petition. Counsel for the petitioner now contends that the compromise between the petitioner and the complainant has been arrived at in that the entire amount under the cheque has been paid to the complainant. Learned counsel for the complainant Shri HPS Bhinder, Advocate categorically states that indeed compromise has taken place and the complainant has received back his amount under the cheque and he does not

affidavit has also been filed on the record.

The proceedings under Section 138 of the Act are quasi-criminal in nature, the ultimate object being to grant relief in respect of the payment under the cheque. In this case, since the complainant has made a categorical statement and filed an affidavit about the grievance being completely redressed and the complainant not being interested in continuing the petitioner to undergo jail sentence. I think, this court should exercise the powers under Section 482 Cr.P.C. read with Section 147 of the Negotiable Instruments Act, 1881. In the light of decision of the Supreme Court in Gian Singh's case and allow the compounding/compromise. The petitioner is in jail since 19.9.2016. In that view of the matter, I make the following order:-

ORDER

- (i) CRR-3457-2016 is allowed by way of compromise;
- (ii) Both the impugned judgments and orders are quashed by way of compounding/compromise.
- (iii) The petitioner shall be released from jail forthwith in view of the present order.

Disposed of.

September 29, 2016.

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[A.B. Chaudhari]
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No