

**106+252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR No.376 of 2016 (O&M)

Date of decision: December 15, 2016

M/s Trio Marketing and others

..Petitioners

Versus

M/s Milap Club

..Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. N.S. Shekhawat, Advocate
for the petitioners.

Mr. Arjan Atri, Advocate
for the respondent.

JASPAL SINGH, J.(ORAL)

CRM No.39279 of 2016

Application is allowed, as prayed for.

Compromise dated 09.12.2016 (Annexure A-2) and affidavit of complainant dated 09.12.2016 (Annexure A-3) are taken on record along with exemption.

CRR No.376 of 2016

Challenge in this revision petition is to the judgment dated 21st January, 2016 passed by Additional Sessions Judge as well as to the judgment dated 10th February, 2015 and the order dated 13th February, 2015 passed by Judicial Magistrate Ist Class, Ambala, whereby, petitioners have been convicted under Section 138 of Negotiable Instruments Act (for short 'Act' only) and has been sentenced to undergo rigorous imprisonment for a period of two years and to pay cheque amount i.e. Rs.4,00,000/- with interest at the rate of 9% from the date of filing of the complaint till its realization.

Undoubtedly, an appeal preferred by the petitioners challenging their conviction and sentence awarded by learned Magistrate has already been dismissed by the lower Appellate Court vide judgment dated 22nd January, 2016. Aggrieved with the judgment and order of conviction passed by both the Courts below, petitioners preferred the instant revision petition.

During the pendency of the revision petition, parties arrived at an amicable settlement in pursuance of which a compromise deed was reduced into writing which is signed by both the parties as well as the attesting witnesses. Moreover, today Mr. Arjan Atri, Advocate is present who is representing the complainant. He has categorically admitted with regard to arriving at compromise between the parties as well as the receipt of Rs.2.85 lac from the petitioners. The offence complained of against the petitioners for the commission of which they have been convicted and sentenced is compoundable. Since the parties have already effected the compromise and have put an end to their differences, the instant petition is allowed on the basis of compromise.

Consequently, the conviction and sentence imposed by the learned Magistrate and affirmed by the Lower Appellate Court are *set aside*. The petitioners stand acquitted of the charges.

Here, it would also be pertinent to mention that in pursuance to the order dated February 01, 2016 passed by this Court, a sum of Rs.2,00,000/- was deposited by the petitioners in the Court of Chief Judicial Magistrate, Ambala and in view of terms and conditions of the compromise, respondent-complainant is entitled to the same. Thus, a direction is issued to the Chief Judicial Magistrate, Ambala to refund the

amount of Rs.2,00,000/- deposited by the petitioners in favour of complainant-M/s Milap Club, B-8, Mahesh Nagar, Dayal Bagh, Ambala Cantt.

Disposed of.

December 15, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No