

CWP No.12808 of 2016

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

**CWP No.12808 of 2016
Date of Order: 27.06.2016**

Rajan Grover

....Petitioner

Versus

Youdhvir Abrol and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL

Present: Mr. Manish Soni, Advocate for the petitioner.

M. JEYAPPAUL ,J (ORAL)

Instant writ petition is filed under Article 226 of the Constitution for extending the benefit of Section 147 of the Negotiable Instruments Act, 1881 (for brevity “the Act”) by allowing the petitioner and the private respondent to compound the offences punishable under Section 138 of the Act since they have arrived at a compromise/settlement on 10.6.2016 (Annexure P.5) and thereby setting aside convictions of the petitioner awarded in the criminal complaints filed at the instance of the private complainant.

Sh. Aman Bahri, Advocate has put in appearance and filed his Vakalatnama on behalf of respondent No.1.

Petitioner faced criminal prosecution under Section 138 of the Act at the instance of private respondent. He was convicted in all the ten complaints and the order of suspension was passed against him. The appeal preferred by the petitioner was dismissed by the competent Appellate Court.

He preferred criminal Revision No.4897 of 2015, which was also dismissed. Consequently, the writ petitioner has been sent to Jail to undergo the sentences in all separate complaints passed by the trial Court.

Referring to the compromise (Annexure P.5) dated 10.6.2016, learned counsel appearing for the writ petitioner as well as the private respondents unanimously submit before this Court that the matter was compromised in terms of Annexure P.5. Private respondent has received the entire consideration under 10 cheques issued by the writ petitioner to the private respondent. Private respondent has no objection if convictions and sentences passed by the learned trial Court, confirmed by the Appellate Court and the Revisional Court are set aside, as the entire consideration under cheques has been paid by the writ petitioner to the private respondent.

It is well settled that compounding of the offence in terms of Section 147 of the Act can be undertaken by the parties at any stage, even after the Revision was dismissed.

In view of the above, permission is granted to the parties to compound the offence under Section 138 in terms of Section 147 of the Act. As a result, the convictions and sentences passed by the learned trial Court and confirmed by the Appellate Court and the Revisional Court in the following cases stand set aside:

<i>Sr. No.</i>	<i>Criminal Complaint No.</i>	<i>Criminal Appeal No.</i>	<i>Criminal Revision Petition No.</i>
1	913/2013	10/2014	CRR 4904/2015
2	914/2013	15/2014	CRR 4899/2015
3	968/2013	13/2014	CRR 4932/2015
4	1062/2013	14/2014	CRR 4897/2015 (Main Revision Petition)
5	1063/2013	12/2014	CRR 4900/2015
6	1064/2013	11/2014	CRR 5024/2015
7	1065/2013	8/2014	CRR 4933/2015

<i>Sr. No.</i>	<i>Criminal Complaint No.</i>	<i>Criminal Appeal No.</i>	<i>Criminal Revision Petition No.</i>
8	1093/2013	9/2014	CRR 4920/2015
9	1107/2013	7/2014	CRR 4919/2015
10	1134/2013	16/2014	CRR 4934/2015

It is now brought to the notice of this Court that the petitioner is undergoing sentences in connection with the above case. He be set at liberty forthwith, if his custody is not required in connection with any other case.

Writ petition stands disposed of accordingly.

A copy of this order be supplied to learned counsel for the petitioner under the signatures of Bench Secretary.

June 27, 2016
manoj

(M. JEYAPPAUL)
JUDGE