

HIGH COURT OF CHHATTISGARH, BILASPUR**CRIMINAL REVISION NO.228 OF 2014**

K. Shankar S/o Shri Kundlik Rao, aged about 40 years, R/o Krishna Nagar, Shashtri Chowk, Loharpara, Supela, Bhilai, Tehsil and District Durg (CG).

---- **Applicant**

Versus

Jaikishan Ahuja S/o late Sanwal Das Ahuja, aged about 50 years, R/o Nehru Nagar, Bhilai, Tehsil and District Durg (CG).

... **Non-applicant**

For Applicant	:	Shri BP Singh, Advocate.
For Non-applicant	:	Shri Akhilesh Mishra, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/01/2017

1. The present revision has been preferred by the Applicant against the judgment dated 16.07.2012 passed by the 1st Additional Sessions Judge, Durg whereby the lower appellate court in Criminal Appeal No.157 of 2011 has affirmed the judgment passed by Judicial Magistrate First Class, Durg, in complaint case No.240 of 2011 which was instituted under the provisions of Section 138 of Negotiable Instruments Act (for short, NI Act) and where the applicant was found guilty of having committed offence under Section 138 of NI Act and had ordered to undergo simple imprisonment of six months and to pay fine of Rs.50,000/- with default stipulation.
2. This order has also been affirmed by the lower appellate court in Criminal Appeal No.157 of 2011, leading to filing of the present revision.
3. Learned counsel for the Applicant submits that pending the petition

before this court, the parties to the dispute have entered into compromise and by virtue of compromise the present applicant is said to have deposited the entire money of Rs.50,000/- before the court below. In addition to the said amount of Rs. 50,000/-, he has also paid another 25,000/- rupees to the respondent-complainant towards the settlement of the dispute.

4. Today, the applicant as well as respondent-complainant along with their counsel is present before the court. On specific query being put, the respondent-complainant has categorically submitted that he has entered into compromise with the applicant and since he has received the entire money and in the light of the compromise with the other side, he is not interested to prosecute the revisioner any further and wants the matter to be closed once and for all. Counsel appearing for the respondent-complainant also submits that he has specific instruction to state that the parties to the dispute have entered into compromise and have resolved the disputes amicably and as such the respondent-complainant does not intend to further prosecute the issue which is pending consideration.

5. The applicant is also present before the court. So far as amount which is lying before the court below, the applicant submits that he has no objection if the said amount is released to the respondent-complainant.

6. In view of the specific submissions made by the complainant as well as the accused/applicant, the matter predominantly being a dispute between two private parties, this Court is of the opinion that since the parties have amicably resolved the disputes, no fruitful purpose would be served in case in case if the revision petition is kept pending or otherwise made to contest on merits any further.

7. Accordingly, the present revision is allowed. The judgment of conviction passed against the applicant stands set aside/quashed. The complaint case No.240/2011 and all further proceedings arising of it stands quashed so far as it relates to applicant, and the applicant stands discharged from the offence and further proceedings.

8. The amount which is lying in the name respondent before the court below shall be released to the respondent.

**Sd/-
(P. Sam Koshy)
Judge**

inder