

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.11 of 2016**

C. H. Janki Rao S/o C.H. Ramlu Aged About 40 Years R/o Bloc-8-D, Street No. 26, Sector-5, Bhilai, Nagar, Kotwali, Tahsil And District Durg Chhattisgarh.

---- Applicant

Versus

G. Mohan Rao S/o G. Somalu Aged About 48 Years R/o 4-E, Street, Cross Street 3 Sector-6, Bhilai Nagar Kotwali, Tahsil And District Durg Chhattisgarh.

---- Respondent

For applicant
For respondent

Shri Jitendra Gupta, Advocate.
Shri Siddarth Rathore, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/02/2017

1. The present revision has been preferred by the Applicant seeking for quashment of the criminal proceedings in Criminal Case No.183/2014 pending before the IInd Additional Sessions Judge, Durg.
2. Learned counsel appearing for the applicant submits that he has specific instructions from the applicant to state that the matter has been compromised between the parties and that as per compromise, the amount which has been deposited in the CCD of the court below i.e. an amount of Rs.1,01,750/-may be treated as the compromise amount and which is acceptable to the complainant-respondent. According to applicant, now the applicant has no objection if the amount deposited with the court is released to the respondent-

complainant. Therefore, at this juncture he submits that he does not want to press the revision petition any further and prays for discharge of the applicant from the offence under Section 138 of Negotiable Instruments Act.

3. Learned counsel appearing for the respondent also submits that he has received specific instructions from the complainant that he has compromised the matter accepting the amount which has been deposited in the court below as compromise amount and only prays that he may be permitted to withdraw the said amount, and as such, he would not further prosecute the applicant any further in the light of the compromise which has been entered into between the parties.
4. Having heard the counsel for the parties and also taking into consideration the submissions of counsel appearing for either side, this revision is disposed of at this juncture and the applicant is discharged from the offence in view of compromise entered into between the parties. Once when the complainant and the accused have settled their matter and buried the dispute and differences, it would be an important consideration for the High Court to compound the offence. The opinion of this Court stands fortified from the judgment of the Supreme Court in the case of *Gian Singh v. State of Punjab & Another* [2012 (10) SCC 303] and also in the case of *Narinder Singh & Others v. State of Punjab & Another* [2014 (6) SCC 466].
5. In view of the submission made by the counsel for the complainant and the accused and keeping in view the law laid down by the

Supreme Court in the case of B. S. Joshi & others v. State of Haryana & Another [2003 (4) SCC 675] and in the case of Gian Singh (supra) and Narinder Singh (supra), this Court is of the opinion that it is a fit case where the parties can be permitted to compound the offence.

6. Accordingly, the present revision is allowed. Consequently the judgment of conviction in Criminal Appeal No. 183 of 2014 passed by the IIInd Additional Sessions Judge, Durg, as also the judgment of conviction in criminal complaint case No.11/2012 by the JMFC, Durg stand quashed and the applicant stands discharged from the offence punishable under Section 138 of Negotiable Instruments Act. The respondent-complainant shall be entitled for the release of the amount deposited by the applicant before the court below.

Sd/-
(P.Sam Koshy)
Judge