

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No. 4093 of 2016 (O&M)
DATE OF DECISION :- October 31, 2017**

Major Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab.

Mr. N.S. Gill, Advocate
for Mr. Munish Gupta, Advocate for respondent no.2.

Complainant M/s Dogra Agro Feeds Pvt. Ltd. Village Rauni, Tehsil and District Patiala had filed complaint under Section 138 of the Negotiable Instruments Act against accused Major Singh. That complaint was tried by Judicial Magistrate Ist Class, Patiala and vide judgment dated 13.2.2015, accused was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay compensation equivalent to the cheque amount. The accused-convict preferred an appeal, however, was unsuccessful. Inasmuch as appeal was dismissed by Additional Sessions Judge, Patiala vide judgment dated 14.12.2015, he was taken into custody and sent to Central Jail, Patiala to undergo the sentence.

Feeling dissatisfied with the judgments passed by the Courts

below, accusedconvict has approached this Court by filing revision petition, notice of which was given to the State and complainant.

State and complainant appeared through counsel. The matter has since been compromised between the parties. An application for permission to compound the offence on the basis of compromise dated 3.10.2017 has been filed.

Learned counsel for the respondent-complainant admits the factum of compromise between the parties. The revision petitioner has also deposited 15% of the cheque amount as compensation fee in view of ratio of authority in **Damodar S. Prabhu versus Sayed Babalal 2010(5) SCC 663**. A receipt in that regard has been placed on file. In view of the fact that parties have effected compromise to promote peace and tranquility, the application for permission to compound the offence is accepted. Resultantly, the judgments passed by the Courts below convicting and sentencing the accused are set aside by way of acceptance of revision petition. Accordingly, petitioner is acquitted of the charge framed against him. Since it is stated that he is in custody, he be set at liberty forthwith, if his custody is not required in connection with any other case and necessary intimation be sent to the Superintendent Central Jail, Patiala.

(H.S. MADAAN)
JUDGE

October 31, 2017

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No