

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

**CRR-4729-2016 (O&M)
Date of decision: - 29.9.2017**

Narinder Kumar

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Ms. Payel Mehta, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. C.L.Verma, Advocate for respondent No. 2.

ARVIND SINGH SANGWAN, J (ORAL)

Challenge in the present revision petition is to the judgment dated 16.9.2014 passed by the trial Court under Section 138 of the Negotiable Instruments Act, 1881, convicting and sentencing the petitioner to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹ 5,000/- and in default of payment of fine to further undergo rigorous imprisonment for a period of 15 days as well as the judgment dated 2.12.2016 passed by the lower Appellate Court, vide which appeal filed by the petitioner was dismissed upholding the conviction/sentence, awarded by the trial Court.

Vide order dated 19.12.2016, while issuing notice of motion, sentence of the petitioner was suspended and the matter was referred to Mediation and Conciliation Centre of this Court for exploring the possibility of amicable settlement between the parties. Thereafter, parties appeared before the

Mediation and Conciliation Centre and the settlement, which was arrived at before the Mediator on 1.3.2017 between the parties, is reproduced below: -

- “6. The following settlement has been arrived at between the parties hereto.
- a) The parties have agreed to settle the dispute amicably and it is agreed between the parties that a total sum of Rs. 4,25,000/- (Rupees Four Lacs and Twenty Five Thousand only) will be paid by the first party to the second party in a date bound manner in two instalments which are as follows: -
- (i) The first instalment of Rs. 2,00,000/- (Rupees Two Lacs Only) will be paid by the first party to the second party on 15.4.2017 in the Hon'ble High Court.
- (ii) The second instalment of Rs. 2,25,000/- (Rupees Two Lacs and Twenty Five Thousand Only) will be paid by the first party to the second party on 31.5.2017.
- (iii) In addition to that Rs. 50,000/- (Rupees Fifty Thousand only) has already been paid by way of demand draft No. 078336 dated 30.1.2017 on 16.2.2017 by the First Party to Second party.”

Petitioner was again arrested on 19.9.2017 on account of non compliance with the terms and conditions of the compromise. Learned counsel for the petitioner has handed over a demand draft of ₹ 1,25,000/- to learned counsel for respondent.

Learned counsel for respondent, on instructions from respondent No. 2-Hari Kishan, who is present in Court, submits that petitioner has paid the amount by way of instalments i.e., first instalment of ₹ 2.00 lacs; second instalment of ₹ 1.00 lacs and today by way of a demand draft of ₹ 1.25 lacs and as such entire amount stands paid as settled between the parties.

In view of the above, the award dated 1.3.2017 passed by the Mediator and the statements of the parties made at bar, present revision petition is allowed and the judgment of conviction and order of sentence dated 16.9.2014

passed by the trial Court as well as the judgment dated 2.12.2016 passed by the

lower Appellate Court are hereby set aside.

Petitioner is ordered to be released forthwith, if he is not involved in any other case.

Allowed in the above terms.

29.9.2017
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No