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

**CRR No. 1521 of 2017 (O&M)
Date of Decision: 01.06.2017**

Sukhpal Singh @ Pal Singh

.....Petitioner

Vs

State of Punjab and another

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Gopal Singh Nahel, Advocate,
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

Ms. Sandeep Kaur Randhawa, Advocate,
for respondent No. 2.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has preferred this revision petition against the conviction recorded by the Courts below under Section 138 of the Negotiable Instruments Act, 1881 (for short the N.I. Act), by referring to settlement dated 06.04.2017.

Learned counsel for the petitioner submitted that the parties have amicably resolved their differences. Respondent No. 2/complainant Sukhmander Singh has already received an amount of Rs. 8 Lacs from the petitioner on behalf of his son

Sukhpal Singh towards full and final settlement of the claim and pending dues towards the petitioner.

The aforesaid fact has been admitted by learned counsel appearing on behalf of respondent No. 2.

In view of **Damodar S. Prabhu vs. Sayed Babalal H., AIR 2010 SC 1907** and **Kaushalya Devi Massand vs. Roopkishore, 2011(2) RCR (Criminal) 298**, revisional jurisdiction of this Court can be exercised in order to bring ends of justice between the parties and exercise of such power would be in consonance with the spirit of Section 147 of the N.I. Act.

Since the provision in terms of Section 138 of the N.I. Act is rested upon compensatory mechanism, therefore, the petitioner is allowed to compound the offence under Section 147 of the N.I. Act at revisional stage.

In view of above, the present revision petition is allowed. Impugned judgments passed by the Courts below are hereby set aside and the petitioner is acquitted of the charges. The petitioner be released forthwith.

As far as payment of 15 % of the cheque amount, in view of **Damodar S. Prabhu's case** (supra), is concerned, it has to be observed that Section 147 of the N.I. Act does not contain any guideline or procedure for proceeding with the

compounding of the offences. The scheme under Section 320 Cr.P.C. cannot be followed in *stricto sensu*. The Hon'ble Apex Court in **Damodar S. Prabhu's case** (supra) itself has provided a reservoir.

Since the entire amount has been paid in one go and the imposition of costs would be a matter of discretion, I deem it appropriate to wave off the condition of imposing 15 % of the cheque amount, in the event of compromise arriving at between the parties.

Ordered accordingly.

June 01, 2017

Apurva

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No